

Agenda Item A10	Committee Date 31 May 2016	Application Number 16/00171/FUL
Application Site 14 Damside Street Lancaster Lancashire LA1 1PB	Proposal Redevelopment of 14 Damside Street, 20 Wood Street and adjacent land, comprising change of use of first and second floors of 20 Wood street to one 3 bedroom student cluster flat, erection of first and second floors to 14 Damside Street to create two 3 bedroom and two 5 bedroom student cluster flats, installation of new shop front to both properties, erection of a 4 storey building of eight 2 bedroom flats and creation of a 9 bay car park at rear	
Name of Applicant Burt Properties	Name of Agent Mr Michael Harrison	
Decision Target Date Extension of time agreed until 28 July 2016	Reason For Delay Amendments to the proposal and provision of further information	
Case Officer	Mrs Eleanor Fawcett	
Departure	None	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 The site is located in the centre of Lancaster, adjacent to the bus station, and faces onto both Damside Street and Wood Street. There are a number of existing buildings on the site, which form a terrace at the corner of the two roads. These consist of a three storey building, adjoining a property of the same height which is located on the corner of Damside Street and Dye House Lane, a long single storey element which turns the corner, and a two storey building with the gable facing Wood Street. The site also comprises a large area of hardstanding to the north and east of the site which is used as a private car park and extends up to Butterfield Street, to the north, and Dye House Lane, to the east.
- 1.2 To the north of the site is a large, currently vacant, retail unit, beyond Butterfield Street, and to the east are three storey properties which front onto Chapel Street and back onto Dye House Lane. The nearest building to the site contains offices occupied by Age UK. There are serviced holiday apartments in the upper floors but it is not clear if these extend around the rear of the building or just front onto Cable Street. Adjoining the existing building fronting Damside Street, to the east, are two three storey properties with commercial units and ground floor and at least one of these has flats above. The bus station is located to the west, separated by Wood Street.
- 1.3 The site is located within the identified City Centre boundary and the frontage with both Damside Street and Wood Street is shown as Other Key Frontage on the Local Plan Proposals Map. All of the site is located within Flood Zone 3 and the Conservation Area. The adjacent properties to the east, between Dye House Lane and Chapel Street, are Grade II Listed. The Grade II* Listed St Johns Church is located approximately 40 metres to the east, on the other side of these properties.

2.0 The Proposal

2.1 Planning permission is sought for the redevelopment of the site comprising:

- Alterations to the front and rear elevations of the three storey building fronting Damside Street and the change of use of the upper floors to a three bedroom student flat;
- Installation of new shop fronts to ground floor;
- First and second floor additions to the existing single storey element, and second floor addition to the two storey element with the upper floors used for student accommodation comprising two five-bedroom and two three bedroom student cluster flats;
- Addition of a four storey building to the north elevation to contain eight two-bedroom student flats; and,
- Alterations to the car park to provide nine spaces to the east of the site.

3.0 Site History

3.1 The most recent site history is set out below:

Application Number	Proposal	Decision
06/00024/CU	Change of use of shop into amusement centre with new shop front as extension to existing adjoining unit	Approved
85/00946	Erection of new pitched roof and shop front and alterations	Approved
83/01207	Demolition and rebuilding for amusement centre etc	Approved
83/00737	Renovation and extension of existing garage and storage facilities and change of use to an amusement centre	Approved

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objections subject to conditions requiring: a construction traffic management plan, re-constructed/resurfacing or shared surface in accordance with " <i>Specification for Construction of Estate Roads (2011)</i> "; provision of cycle storage; layout to enable vehicles to enter and leave the highway in a forward gear and a scheme for the construction of off-site highway improvement works.
Environmental Health	No objection subject to conditions requiring: noise mitigation measures including ventilation; a scheme for dust control; mechanical ventilation to resolve issues of air quality; and assessment of contamination.
Historic England	Do not consider it necessary for this application to be notified to Historic England.
Conservation Officer	Comments - Concerned that the impact the four-storey element will have on townscape views within this part of the Conservation Area. Some features on this building are poor and could be improved. The elevation to Damside Street is considered acceptable, as is the Dye House Lane elevation. Some enhancement could be made to the Butterfield Street elevation.
Lancaster Civic Society	Comments - Pleased that Number 14 is to be restored, the new-build, four-storey element, although pastiche, is well proportioned and in sympathy with other Georgian-style houses in Cable Street. However, the block above the retail units makes for an uneasy linking feature, presenting a 1950s style of architecture; some re-design here would be welcomed. The fenestration pattern breaks up the vertical lines and the proposed metal sidings to the windows seem somewhat incongruous.
Lancashire County Council Archaeology	No objections subject to a condition requiring the implementation of a programme of archaeological recording and analysis.
Environment Agency	Object. The submitted FRA fails to consider how people will be kept safe from flood hazards identified; consider the effect of a range of flooding events including extreme events on people and property; consider the increased risk of siting sleeping accommodation on the ground floor - sleeping accommodation should not be sited on

	the ground floor; and consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.
Lead Local flood Authority	Object. Reiterates the same reasons as the Environment Agency.
LCC Parking and Administration	Advice - 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 objections
Lancashire Constabulary	Comments – Suggest a various security measures to reduce the risk of the types of crimes affecting the students living within the proposed development.
Lancashire Fire and Rescue	Comments - t should be ensured that the scheme fully meets all the requirements of part B5 of the Building Regulations.

5.0 Neighbour Representations

5.1 1 piece of correspondence has been received, from 6a Damside Street, which raises an objection to the proposal due to the following concerns:

- Loss of light to property;
- Will exacerbate serious problems with the storm water and sewage systems in the Damside street area;
- The continued building on the limited car parking spaces will be to the detriment of both commercial enterprises and members of the public who either live or visit the city; and,
- No consideration of the design and modern requirements of urban living including lack of open spaces, communal areas and facilities for families and retired people in the city centre.

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
Paragraphs 100 – 103 – Flooding
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

DM1 – Town Centre Development
DM2 – Retail Frontages
DM20 – Enhancing Accessibility and Transport Linkages
DM22 – Vehicle Parking Provision
DM31 – Development Affecting Conservation Areas
DM32 – The Setting of Designated Heritage Assets
DM34 – Archaeological Features and Scheduled Monuments
DM35 – Key Design Principles
DM38 – Development and Flood Risk
DM39 – Surface Water Run-Off and Sustainable Drainage
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
- Flooding
- Highway Safety
- Impact on amenity of neighbouring properties
- Standard of Accommodation

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.

7.2.2 The site is located within the identified city centre area but is not identified as primary retail frontage. The ground floor of the existing building has been shown as retail space, with residential accommodation above. This is considered to be acceptable in this location. The new building proposed as part of the scheme has residential accommodation on all four floors. Policy DM1 sets out that proposals for residential development within town centre locations will be considered favourably provided that they are above ground floor level and do not restrict the maintenance of an active street frontage. This part of the site currently comprises a car park so does not have an existing active street frontage. There are also benefits of developing the site, in terms of improvements to the Conservation Area, and the site is located towards the northern end of the identified city centre. Therefore the loss of the opportunity for an active street frontage in this location will need to be balanced against the benefits of the scheme.

7.3 Scale, design and impact on heritage assets

7.3.1 The site is located within the Lancaster Conservation Area and is in close proximity to a group of Grade II Listed Buildings, and is located slightly further from St John's Church which is Grade II* listed. The buildings to the east of the site, fronting Damside Street are all considered to contribute positively to the Conservation Area. The buildings and site, to which the application relates, do not do this and are relatively low quality in terms of their design, out of keeping with historic buildings close to the site and, in particular those in the block around Dye House Lane. The redevelopment of this site therefore provides an opportunity to significantly enhance this part of the Conservation Area.

7.3.2 The current buildings on the site are fairly low in scale comprising mainly single storey and partly two storey. A development of a similar scale to the existing three storey block would be considered to be acceptable, and the design has taken an approach of extending the existing terrace. The initial submitted plans showed a mix of render, grey cladding and a small element of ashlar stone to the upper floors of the existing building. A grey shopfront was also proposed that was considered to relate poorly to the upper floors. In particular there were concerns regarding the materials and the horizontal emphasis that this produced, in addition to a proposed gable that was considered to relate poorly to the block which it adjoins. As a result, the front wall of this element of the scheme has been altered to coursed stone for the upper floors and ashlar for the shopfront. Unfortunately, the gable has been retained, which is still considered to be a poor element of the scheme, and a continuation of the pitched roof is considered to be more appropriate. Overall, it is considered that this section of the scheme will produce a building that will enhance this part of the Conservation Area.

- 7.3.3 Significant concerns were raised with the agent with regards to the height of the four storey building, which is proposed at the end of the terrace to the north of the site. This was originally shown as being 2.3 metres above the height of the main part of the proposed development and approximately 1 metre higher than the Listed Building to the east. All of the buildings positioned around Dye House Lane are three storey, although with a slight variation in height. It was considered that this element of the proposal should relate better to the group which it adjoins, and the agent was advised of this. It was also considered that the design took a pastiche approach and there were concerns that this approach was not really compatible with the immediate context of the site. Although a pastiche approach can work, the design obviously incorporates modern floor heights and would not have the same detailing as the large buildings on Cable Street that it appears to be trying to emulate. It was advised that a slightly different approach was taken, which could be more contemporary. Another concern with regards to the type of dormer proposed was that it resulted in two downpipes towards the centre of the elevation, resulting in a poor detail across the stonework. Suggestions were made with how this could be overcome and detailed discussions were undertaken with how the design could be improved, taking a slightly more contemporary approach on a traditional design.
- 7.3.4 Following the concerns being raised with regards to the height and design of the four storey element, amended plans were submitted. These have completely altered the original design concept and, instead of reducing the height, have increased this to approximately 2.7 metres above the rest of the proposed development. The dormer windows have been removed from the proposal and the development is now over four full floors, rather than utilising some of the roof space. The changes have now emphasised the height of the building in relation to the adjacent existing and proposed development and it is particularly poor that the eaves level is higher than the ridge of the adjoining building. There are also significant concerns regarding the amended design which proposes coursed stone with a relatively narrow central gable finished in ashlar. The gable appears to emphasise the height of the building and the proportions have a jarring effect with the gable on the adjacent part of the proposed scheme. It is also not considered that the building relates well to its immediate surrounds, the side elevation will produce a large mass of rendered wall with no detailing and the fenestration and detailing is considered to be poor. It is considered that the proposal does not represent high quality urban design.
- 7.3.5 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.
- 7.3.6 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.
- 7.3.7 The County Archaeologist has submitted detailed comments in relation to the proposal. It has been advised that the development site is located on or adjacent to Lancaster's medieval corn mill site. The mill was powered by water taken from the Lune at Skerton weir and run in a millrace around the Green Ayre and back into the river at Fleet Square. This millrace was gradually culverted over and integrated into Lancaster's drainage system, with the section in this area now followed by the line of Damside Street. Archaeological work was also undertaken on the site of the recently erected 11 Damside Street, the work revealing limited Roman material but also evidence of pre-Conquest occupation – a rare survival in the City. The area inside the millrace was not generally developed in the 17th century, the land being open and used for recreation and grazing, but by the 18th century development had started encroaching upon it, leading to a dense network of streets and houses in

the area of the development. The mill building itself is not obvious on that rather general map, although it does seem to survive on Mackreth's map of 1778 in the centre of an open area and it is possible that some remains may be incorporated into the present 14 Damside Street. The present open portion of the development site bounded by Wood Street, Butterfield Street and Dye House Lane had been built up by 1810.

- 7.3.8 It has been advised that the redevelopment of the more modern building that wraps the corner to Wood Street and the infill of the present open area has some limited potential to expose remains associated with the mill building, but these will have been damaged by the development which had appeared by 1810 and modern works. Remains of the pre-1810 buildings are, however, of some local importance and this part of the work should be accompanied by a formal archaeological watching brief during all ground disturbance. This can be adequately controlled by condition.

7.4 Flooding

- 7.4.1 The site is located wholly within flood zone 3, which is defined as having a high probability of flooding in the National Planning Practice Guidance (NPPG), and it is understood that it would be subject to flooding during the winter storms. Both the Environment Agency and the Lead Local Flood Authority have been consulted on the application. Most of the proposal reuses existing buildings and proposes residential accommodation on the upper floors. However, the new four storey building proposes residential accommodation on all floors. The submission has aimed to overcome the flooding issues by significantly raising the ground floor level of the accommodation above the existing ground level of the carpark.

- 7.4.2 The NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at high risk, but where development is necessary, making it safe without increasing flood risk elsewhere. As such, a Sequential Test was requested. The aim of this is to steer new development to areas with lowest probability of flooding and development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If, following the application of the Sequential Test, it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied. For this to be passed it must be demonstrated that the development provides wider sustainability benefits to the community which outweigh the risks posed by flooding and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.

- 7.4.3 The submitted Sequential Test sets out a series of alternative sites outside highlighted flood risk areas where the development could reasonably take place. This has focussed on the City Centre, which is considered to be an appropriate approach given that the accommodation is specifically to house students. The City Council have over a number of years had a consistent approach to the delivery of student accommodation, in that any proposals for new accommodation should be located within the existing campus area or located within appropriate locations within Lancaster City Centre. This approach has been taken to alleviate pressure on residential properties in the suburban areas of the town and to ensure that student accommodation is located in places which have good access to a range of key services and public transport. All sites identified have been discounted for a range of reasons, including land availability, site size and site deliverability. The NPPG suggests that when applying the Sequential Test, a pragmatic approach on the availability of sites should be taken. On this basis it is considered that the site selection presents a reasonable consideration of alternative sites in Lancaster City Centre and the reasons identified for discounting these sites are pragmatic, taking account of the needs of the proposed development, in terms of the scale of development. It is therefore considered that the Sequential Test has been passed.

- 7.4.4 In terms of the first part of the Exception Test, in relation to wider sustainability benefits, locating student accommodation in Lancaster City Centre has been supported by the Council through a variety of historic planning applications and is acknowledged to have a wider range of sustainability benefits. The application will also result in a regeneration of the site and improvement to its overall appearance and that of the Conservation Area, subject to an appropriate design. This part of the Exception Test is also considered to be passed.

7.4.5 It is the role of the Environment Agency (EA) to provide comments in relation to the second part of the Exception Test which relates to the safety of the development for its lifetime, taking into account the vulnerability of users. They have raised an objection to the proposal and have set out that the flood risk assessment fails to:

- Consider how people will be kept safe from flood hazards identified;
- Consider the effect of a range of flooding events including extreme events on people and property;
- Consider the increased risk of siting sleeping accommodation on the ground floor. Sleeping accommodation should not be sited on the ground floor; and,
- Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.

7.4.6 Following the initial comments, the applicant submitted a sequential and exception test, which included some flood resilience measures. However, the EA have maintained their objection. The main issue with regard to the proposal is the siting of sleeping accommodation on ground floor. The units proposed are self-contained and, as such, there would be nowhere to escape in the event of the flood. The agent has argued that the significant increase in the floor area would mean that occupants would not be at risk from flooding, however the EA (as statutory consultee) comments are a material consideration in this matter. The agent has also cited a development on Cable Street that received consent in February this year. However, at that time, the full data from the December 2015 flooding events was not available, and the EA have since advised that they may now come to different views on proposals that they have previously considered acceptable. It has been advised that the agent investigate providing the accommodation in another way, to keep sleeping accommodation from the ground floor. In response, it has been set out that the number of units is required to make the whole scheme viable, although no detailed information has been provided in support of this. Irrespective of this, it is not considered that these issues would outweigh the flooding concerns and potential risk to life.

7.4.1 Highway Safety

Part of the site currently comprises a private car park with access from Dye House Lane and Butterfield Street. The application proposes to retain nine parking spaces as a car park, but not to serve the proposed development. 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 is within close proximity of cycle routes on Chapel Street which provide access to the city centre and surrounding cycle network. Covered and secure cycle parking is proposed on the site in a convenient location and the number of on-site cycle parking spaces proposed complies with the Highway Authority's requirements of providing 10 secure cycle spaces.

7.4.2 The Highways Officer has advised that the location of proposed loading/unloading arrangements off Dye House Lane for students arriving and departing the site with their belongings at the start and end of term are appropriate for the proposed use of the site. This is not clear on the submitted plan, although there is a section adjacent to the parking bays that has been widened which would allow vehicles to pull off the highway. The creation and demarcation of this could be requested by condition. The proposed development would generate a very small number of vehicle trips to the area during traditional highway "peak hour" periods during term time and also at the start and end of the academic year. As such, the effect of the development on the operation of the local highway network would be negligible.

7.4.3 In relation to vehicular access, the junction of Chapel and Butterfield Street has a known accident record. The Highways Officer has advised that in view of safety concerns, this will be the subject of a "prohibition of motor vehicle" order. Butterfield Street/Dye House Lane is to be considered as a pedestrian / vehicular shared surface with the latter considered the sites principle means of access/ egress onto Damside Street. Deliveries and servicing should be undertaken via the rear of the premises on Dye however the layout of the rear of the premises provides little indication that large vehicles serving the development can turn within curtilage. Under no circumstances would it be deemed acceptable to allow vehicles to reverse from the site and onto Damside Street. The agent

has been asked to address this issue on several occasions but has failed to do so. The Highways Officer has set out that vehicular access / egress in a forwards gear will be a matter covered by appropriate condition. However, the current proposed layout of the car park does not show any provision for turning within the site and it is not clear how this could be achieved within the space available. Clarification will be sought from the Highways Officer with regards to this.

7.4.4 The Highways Officer has raised no objections to the proposal subject to conditions requiring: a construction traffic management plan, re-constructed / resurfacing or shared surface in accordance with the Lancashire County Council document "Specification for Construction of Estate Roads (2011)"; provision of cycle storage; layout to enable vehicles to enter and leave the highway in a forward gear and a scheme for the construction of off-site highway improvement works namely:

- Kerb-line realignment of Dye House Lane as well as in the vicinity of 8 Damside Street - such as to improve driver forward visibility when egressing Dye House Lane.
- Amendment to the existing Traffic Regulation / Prohibition of driving order (Butterfield Street / Dye House Lane) with the same meeting all of the costs associated with advertisement, consultation & implementation of the order.
- Prohibition of vehicular access from Butterfield Street to Chapel Street through the placement of a series of bollards in the highway.

7.5 Impact on amenity of neighbouring properties

7.5.1 There are some flats in the upper floors of properties fronting Damside Street and those fronting onto Chapel Street. At its closest the new part of the development is approx. 13 metres from the property to the rear, but given the angle, most of it is further than this, approx. 16 metres at its maximum. This is sufficient to not have a significant impact on light but there is some potential for overlooking. All the windows at the rear are proposed to serve bedrooms, with the living accommodation at the front. There does not appear to be permanent living accommodation in the closest building to the east, some research has shown that at least some of the upper floor is let as holiday accommodation, but this may just be at the front facing Chapel Street. Given the number and position of windows and the slight angle of the building it is not considered that there will be a significant adverse impact on the privacy of either property. It is also a city centre location and therefore more difficult to maintain separation distances that would usually be expected.

7.5.2 The proposed upper floors to the existing building are further from the development to the rear, between 18 and 22 metres. It is not therefore considered that there will be a detrimental impact on the amenities of upper floor flats. There are flats in the upper floors of some of the buildings to the east, fronting onto Damside Street. Given the oblique angle, it is not considered that there will be overlooking to windows in these properties. There may be some limited loss of light but this would be limited given the position of the building to the north west. Concerns have been raised from the occupiers of 6a Damside Street with regards to loss of light, however this is approximately 24 metres from the rear wall of the upper floors of the development. As such, it is unlikely that this would have a significant impact, although occupiers would likely see this at an oblique angle. Access to the properties in the upper floor of the existing building would be at the rear utilising an existing flat roofed area, surrounded by a wall approximately 1.2 metres high. This gives quite a large terrace area which is likely to be used as external amenity space by residents. In order to ensure that there are no detrimental impacts on neighbouring properties through the use of this, it may be appropriate to raise the wall by around 0.3 metres.

7.5.3 Flats are proposed in the upper floor of the building fronting Damside Street, and there are some properties on the opposite side of the road to the south. Most of the building in this location is already three storey, except the section which turns the corner. There are some flats opposite at first floor and within the roof space, separated by approx. 13 metres. As most of the building is already there, it is not considered that there would be an impact on light. The development is separated by the road, at a slight angle and a slightly different level. There are also limited openings in the opposite building. Although it is quite a close relationship, the building line already exists and, as set out above, it is a city centre location. As such, it is not considered that the proposal would have a significant impact on the amenities of either property.

7.6 Standard of Accommodation/ amenity for occupiers

7.6.1 Appendix D sets out standards in relation to shared student accommodation and Appendix F refers studio apartment standards. In terms of the sizes of rooms, these are broadly acceptable however, with regards to the two bedroom flats, the smaller room appears to be below 9 square metres, which is what we would usually expect. These units are only for two students and do have a large amount of shared living space. Given this, it is considered that the slightly smaller sized bedroom is acceptable in this instance. All the rooms benefit from an appropriate level of light and outlook.

7.6.2 A noise impact assessment has been submitted which identifies the environmental noise impacts at this location and demonstrates that there are likely to be significant observed noise effect levels if noise impacts are unmitigated. However, with provision of certain glazing specifications and with additional ventilation solutions noise can be mitigated to achieve internal design criteria targets specified within British Standards. The site is also located in close proximity to the Lancaster AQMA and the Lancaster Bus Station. There is therefore potential for the introduction of new exposure to poorer air quality as a consequence of its proximity to these sources. The submitted air quality assessment recommends the provision of mechanical ventilation to the living accommodation on the ground, first and second floors, taking air from a point above third floor level as far as possible away from Wood Street. Environmental Health have recommended a scheme for mechanical ventilation to be submitted and implemented.

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. However, the site is located within flood zone 3 and proposal will result in sleeping accommodation on the ground floor. Although measures have been shown to try to limit impacts on future occupiers, the Environment Agency is not satisfied the development will be safe for its lifetime. The proposed redevelopment of the site does offer 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, 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, for the reason contained below.

Recommendation

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

1. As a result of the location of the site within flood zone 3, and the location of residential accommodation on the ground floor, in particular sleeping accommodation, it is considered that the proposal would result in unacceptable risks of flooding to future occupiers of the development, which have not been adequately mitigated. As a result, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 10 and Policy DM38 of the Development Management Development Plan Document.
2. The current proposal, in particular relation to the four storey element, fails to respect the design, form, massing and scale of the adjacent buildings and, as a result of this is not considered to represent high quality urban design as advocated by the NPPF and will have a detrimental impact on the streetscene and the special character and appearance of this part of the conservation area. It is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, Section 7 and Section 12 and Policies DM31 and 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. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons set out 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