

Agenda Item A5	Committee Date 19 September 2016	Application Number 16/00574/FUL
Application Site Luneside East St Georges Quay Lancaster Lancashire	Proposal Demolition of existing mill building, erection of 3 buildings comprising ground floor ancillary uses (Classes A1-A4, B1a, D1 and D2) and student accommodation above and 1 building of student accommodation, conversion of existing pump house to a mixed use communal facility (Classes A2, B1a and D1), and associated access, parking, servicing and landscaping / public realm works	
Name of Applicant Luneside East Ltd	Name of Agent Mr Chris Argent	
Decision Target Date Extension of time for determination agreed to 23 September 2016	Reason For Delay Awaiting submission of further information to address Habitat Regulations Assessment and ongoing negotiations concerning the commercial elements of the scheme, design and highway matters	
Case Officer	Mrs Jennifer Rehman	
Departure	No	
Summary of Recommendation	Approve	

1.0 The Site and its Surroundings

- 1.1 The application site totals to 1.47 hectares and relates to the remaining parcel of land on the Luneside East Development area located off St George's Quay, Lancaster. This was a 6.6ha triangular site with a long history of industrial use, including the town's gasworks and other contaminative uses. As such, the land has been recognised as one of the Council's Regeneration Priority Areas for some considerable time.
- 1.2 The land is bound by the West Coast Main Line to the east, the River Lune to the north and to the south and west the site comprising the (previously-consented) Persimmon Homes residential development. Beyond this land lies the wooded embankment of the former Lancaster to Glasson railway line. Carlisle Bridge represents a key gateway feature of the city especially from the railway line but also from western areas of Lancaster along the Quayside. It also forms the boundary with the Lancaster Conservation Area. The Conservation Area extends eastwards covering St George's Quay (from Carlisle Bridge) and southwards covering most the city centre. To the south of Quay Meadow, Vicarage Fields enjoys Schedule Ancient Monument status and beyond this, the Castle and Priory are grade I listed. The majority of the historic buildings along St Georges Quay to the east of the site are also listed.
- 1.3 The application site is intersected by St George's Quay. Land on the north side of this road previously occupied poor quality modern buildings and temporary structures associated with earlier business uses. This land is now vacant and fenced off and has recently been used as a compound/car park during the remediation of the wider Luneside East site. Land to the south of St George's Quay comprises predominately cleared land with part of the original St George's Works

Mill building and the Pump House remaining in situ, albeit in relatively poor condition. There are stock piles of earth between the Mill building and Carlisle Bridge with established ground flora typical of derelict sites following clearance and remediation. Access to the application site would have been via the archway of the St George's Works Mill Building and the main gated entrance further west (outside the application site).

- 1.4 Directly north of the site lies the River Lune. This body of water enjoys County Biological Heritage Site status. As it opens up into the Lune Estuary approximately 2km to the south west, it enjoys protection nationally (as a Site of Special Scientific Interest) and by European nature conservation legislation, being designated as Morecambe Bay Special Protection Area (SPA), RAMSAR Site and Special Area of Conservation (SAC). There is a Tree Preservation Order - Number 531(2014) - that is relevant, and it covers the large groups of trees along the southern and eastern boundaries of the wider site. These are located outside the application site. Quay Meadow recreational field occupies land to the southeast of the application site just beyond Carlisle Bridge. This is protected open space within the Local Plan. The site also lies within flood zones 2 and 3.
- 1.5 The site is located within walking distance of the city centre, the bus station and the railway station. There are two principal access routes to the site; one via St George's Quay and the other via West Road/Meeting House Lane. Bus services run past the site providing a regular service between the site and Lancaster Bus Station. Other bus routes serve the nearby Marsh residential area. There is a direct cycle link to Lancaster Station from Long Marsh Lane and St George's Quay, and New Quay Road (an extension of St George's Quay to the west) forms part of the District's Strategic Cycle Network.
- 1.6 The site is designated as a Housing Opportunity Site in the saved Local Plan. A Development Brief for the wider Luneside East site was adopted in 2000 and revised in late-2004. This set out in detail the Council's vision for this site at that particular time.

2.0 The Proposal

- 2.1 The applicant, Luneside East Limited, seeks full planning permission for the redevelopment of the remaining parcel of the Luneside East development area. The design, layout and the nature of the proposal has evolved having regard to pre-application advice from Officers. However, it should be noted that such advice is informal and does not bind the Council in the determination of the application.
- 2.2 The proposal involves the demolition of the existing mill and the redevelopment of the site for student accommodation (419 beds) with associated ancillary and commercial uses, public realm improvements, car parking and access. It involves the retention and conversion of the Pump House.

The development can be broken down as follows:

North of St Georges Quay

Block A – five-storey building comprising 25 cluster apartments (130 bedrooms) and 653 sq.m of ground floor commercial space for use by the students only.

An access is proposed off St Georges Quay to serve Block A and the proposed car parking area located to the west and south of Block A. The car parking area accommodates 65 parking spaces including 5 accessible spaces. A cycle compound is proposed to the east of Block A together with public realm features and landscaping areas.

A new bus stop is proposed on the north side of St Georges Quay close to the proposed pedestrian crossing facility together with a new 2m footway towards Carlisle Bridge linking to the riverside cycle/pedestrian path.

South of St Georges Quay:

Block B – six storey, L-shaped building comprising 122 individual studio apartments and 453 sq.m of ground floor commercial space.

Block C – three storey building comprising 9 cluster apartments (42 bedrooms).

Block D – six storey building comprising 25 cluster apartments (125 bedrooms) and 491 sq.m of ground floor commercial space.

Single storey converted Pump House comprising 258 sq.m of commercial floor space.

These blocks are set within extensive hard and soft landscaped areas with two further cycle compounds and the provision of an external gym located under one of the arches of Carlisle Bridge (as part of the wider public realm and landscaping proposals). A further 14 car parking spaces are proposed of which 5 will be accessible spaces. A substation is proposed within this part of the site, together with a refuse store. As part of the landscaping for the site, a link is provided from the site to Quay Meadow under the existing arch where the existing floodgate is located.

Access to the southern part of the site shall be taken off St George's Quay in the location of the access and internal road network approved as part of the housing development to be built out by Persimmon Homes. This access already has the benefit of planning consent.

- 2.3 The commercial space associated with the development relates to the ground floors of blocks A, B, D and the Pump House. The uses proposed have been refined a little during the determination of the application and now relate to uses falling within use classes A1- A4 (retail, financial/professional service, food and drink and drinking establishments), B1a (office use), D1 (health clinics only) and D2 (gymsnasiums only).
- 2.4 Block A proposes uses A1-A4, B1a and D2 and shall be for students only. Block B and D shall comprise uses A1-A4, B1a, D1 and D2. The uses proposed for the Pump House comprise A2, B1a and D1. With the exception of Block A, all other commercial uses are intended to cater for the development and the wider public.
- 2.5 Materials proposed include buff brickwork, weathered corten sheet rain screen panels, PPC aluminium louvre panels and windows and artstone cladding. The applicant proposes to re-use stone stored on the compound area to the north of the site within the public realm areas. The stone from the existing mill is not proposed to be retained and reused.
- 2.6 If the planning application is approved, the submission does provide intentions to commence development in late 2016 in order to secure lettings for the 2018-19 term.

3.0 Site History

- 3.1 The site has a complex and lengthy history. The western portion was occupied as the town's gasworks from 1845 to the 1950s, while the eastern portion, known as St George's Works, has been used for the manufacture of oilcloth (1860s to 1970s), and used since then variously as a paint works, as a car breakers yard and for the recycling of car batteries. These activities had resulted in significant contamination across the site.
- 3.2 An outline consent for a comprehensive mixed-use development (an urban village) comprising 350 residential dwellings and 8000 sq m of business floorspace and ancillary leisure and support uses was granted in 2002. Reserved Matters for Phase 1a (07/00442/REM) secured consent for office space, retail/leisure space and residential flats and a permanent car park on the northern side of St Georges Quay for 121 spaces. This consent has not been implemented. The renewal of the outline permission for comprehensive redevelopment (Ref: 10/01134/RENU) was approved in February 2011. That permission establishes the reuse of the site for residential, business and leisure uses.
- 3.3 In 2011 an application for Phase 1 (11/00885/FUL) was submitted comprising demolition and re-use of the remaining mill, remediation, the provision of a car park and external public realm works. Remediation has been carried out, along with the approved demolition of part of the existing St George's Works mill building following an extensive fire in 2012.
- 3.4 Following this, we have seen the western part of the Luneside East site brought forward for residential development with a full permission granted and a subsequent Section 73 application by Persimmon Homes. These consents have not yet been implemented.

3.5 The table below contains the relevant planning history:

Application Number	Proposal	Decision
01/01287/OUT	Outline application for comprehensive mixed use development as an urban village comprising of up to 350 residential units and up to 8,000 square metres of business floor space and ancillary leisure uses and other support uses	Approved
06/00126/FUL	Modification of conditions 1 and 12 attached to outline planning 01/01287/OUT - to extend the time limit for the submission of reserved matters	Approved
07/00442/REM	Reserved Matters Application For Phase 1a Of Luneside East Masterplan: Buildings 5, 7, 8, 9, 12 and 14 only. 11,000 sq.m Office Space, Ground Floor Retail Space and Residential Flats, and Discharging of Condition Nos 2, 10, 12, 14, 17, 22, 24, and 30 on Application 01/01287/OUT in respect of Phase 1a	Approved
07/00773/REM	Reserved matters application for phase 1A of Luneside East Masterplan for refurbishment of building 13 (pump house) - and erection of cycle/bin store/substation	Approved
07/00775/FUL	Demolition of 2 No. Industrial units and continuation of proposed landscaping of reserved matters application (07/00442) to tie in with link from Quay Meadow	Approved
07/00776/CON	Conservation Area Consent for the demolition of 2 No. Industrial units	Approved
07/01588/REM	Reserved matters application for the residential phase of the Luneside East outline permission (01/01287/OUT) 327 units - mix of apartments and houses, with associated roads, footpaths and landscaping	Withdrawn
10/01134/RENU	Renewal of Outline application - 01/01287/OUT as amended by 06/00126/FUL for comprehensive mixed use development.	Approved
11/00881/CON	Demolition of 2 industrial units	Approved
11/00885/FUL	Phase 1 of Luneside East Masterplan including external works, car parking and all related demolition and remedial works	Approved
12/00169/FUL	Erection of 8 three storey dwellings with associated landscaping, access and parking including the change of use of open space to form domestic gardens	Approved
13/01200/FUL	Erection of 149 dwellings with associated landscaping and car parking	Approved
14/01186/VCN	Erection of 149 dwellings with associated landscaping and car parking (pursuant to the variation of condition 2 on planning permission 13/01200/FUL to amend plans for the Greyfriars house type and the apartment blocks)	Approved
16/00588/EIR	Screening opinion for demolition of existing mill building and development of 4 no. student accommodation blocks	Not EIA development

4.0 Consultation Responses

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

Consultee	Response
County Highways	<p>Following the submission of further information, County Highways raise no objection to the principle of the development. The following observations have been made:</p> <ol style="list-style-type: none"> i. Whilst the level of parking does not accord with the parking standards, LCC Highways indicate the provision proposed is acceptable. ii. In relation to bus services, the increased footfall between the site and the city centre will increase and therefore there is an argument to increase the bus service provision in this location. The service provider is willing to provide a double-decker bus service along this route but the height restriction of the Damside Street Former Railway Bridge prevents this from occurring. LCC Highways advise this bridge is owned and managed by the City Council and that a planning obligation to alleviate the problem and make the fullest possible use of public transport should be addressed by the City Council. iii. Concerns over the management of loading bays, serving arrangements and the provision of electric charging points in the adopted part of the highway iv. Site operators to manage drop-off/pick-up loading and unloading associated with the residential development. <p>Notwithstanding the above, the following conditions are recommended:</p> <ul style="list-style-type: none"> • Construction Management Plan • Off-site highway works (bus stop facilities, traffic calming including TRO to 20mph zone, informal pedestrian crossing, reinstatement of intervening lengths to 6m with 2m wide contiguous footways and incorporation of cycle connection from site to River Lune cycle route) • Travel Plan • Access details • Cycle provision
Local Planning Policy Team	<p>Further the submission of further information addressing issues in relation to the commercial elements of the scheme, the policy team have no objections to the development.</p>
Environmental Health Service	<p>Objection on Air Quality Grounds. The objection states that although parking is limited at the proposed site, any traffic associated with the development will impact the Air Quality management Area (AQMA). The Officer recommends rejection but advises mitigation measures should be considered to reduce the air quality impact.</p> <p>On other grounds and having regard to the submitted supporting information, no objections subject to the following conditions:</p> <ul style="list-style-type: none"> • Standard contaminated land conditions restricted to the footprint of the mill and the land to the north of St George's Quay. • Glazing and ventilation specification to be implemented in accordance with the Noise Assessment in relation to the noise impacts associated with the adjacent railway line. • Scheme for protection from sound transmission between residential and commercial spaces, including the agreement of an appropriate noise 'Rating Level' (in accordance with BS4142:2014), a scheme for acoustic insulation and restrictions on operating times.
Tree Protection Officer	<p>No objections subject to following conditions:</p> <ul style="list-style-type: none"> • Tree Protection Measures • New planting proposals to be submitted and agreed
Natural England	<p>No objections. Additionally, following the submission of a draft Construction Environment Management Plan (CEMP) to enable the authority to undertake a Habitat Regulations Assessment, NE have confirmed that provided a detailed</p>

	CEMP is prepared and agreed prior to the start of any works (therefore conditioned), the development would not have significant impacts on the nearby designated site.
GMEU (Ecology)	No objections subject to the following conditions: <ul style="list-style-type: none"> • Submission of an Environmental Construction Method Statement • A precautionary bat survey should be undertaken of the remaining Mill building on the site before any demolition commences. • New roosting potential for bats should also be provided as part of the development by erecting 6x no. bat boxes close to the River.
Environment Agency	The EA's initial objection has been overcome. The EA have no objections subject to the following conditions: <ul style="list-style-type: none"> • Development to be carried out in accordance with the FRA and the mitigation measures therein relating to the provision of an 8m easement to the Rive Lune and finished floor levels to be set no lower than 6.86m AOD. • Contaminated land conditions (risk assessment; site investigation; remediation and verification)
Lead Local Flood Authority	No objections subject to the following conditions: <ul style="list-style-type: none"> • Surface water drainage scheme (SuDS) to be submitted and implemented in full before occupation. • SuDS Management & Maintenance Plan
United Utilities	No objection subject to conditions: <ul style="list-style-type: none"> • Foul and surface water to drain on separate systems • Development to be carried out in accordance with the FRA. • management and maintenance of sustainable drainage system
City Engineers	No objection – advise that the LPA should consult with the EA
Historic England	No objections - Historic England (HE) advise the application should be carried out in accordance with national and local policy and on basis of specialist conservation advice. Following further dialogue with HE, they have advised that historically they have been primarily concerned with archaeology and that having considered the information submitted and the advice from LAAS (see below), they are happy with this aspect of the proposal. With regards to the setting of the Castle complex, HE advice that historically they have not been concerned with this and so are satisfied for this to be dealt with by the Council's Conservation Section.
Conservation Officer	Following the submission of a revised Heritage Statement and additional information, the Conservation Officer maintains their original objection despite not objecting to the principle of redeveloping the site. A summary of their objection is as follows: <ul style="list-style-type: none"> • Due to the scale (a storey higher than the existing mill) and position of the proposed blocks, the proposal fails to enhance the setting of designated heritage assets, namely the adjacent conservation area and the Grade I listed Castle and Priory. • The revised Heritage Statement is considered to somewhat overlook the harm to the setting of heritage assets from the cycle path opposite the site.
Lancashire Archaeological Advisory Service (LAAS)	No objection. The following comments have been received: <ul style="list-style-type: none"> • Having had regard to the submitted Heritage Statement, the existing building surveys (Scott Wilson 2007) and the structural condition of the mill building, LAAS reluctantly agree to the demolition of the existing mill building. • No further archaeological recording or investigation is required on this site.
Lancaster Civic Society	Objection on the following grounds: <ul style="list-style-type: none"> • Inappropriate site for student accommodation on such a scale and will site uneasily alongside the proposed Persimmon scheme (149 houses) designed for families. • Inadequate parking provision • The space adjacent to the riverside (block A) should be preserved as public realm for the enjoyment of residents and visitors. The riverside area should be preserved as public open space. • Overwhelming massing of four high-rise blocks is totally out of character with Lancaster traditions. Building on both sides of Quay Road will create a canyon-like effect. • Loss of the existing mill building. If demolished the stone should be re-used.

	<ul style="list-style-type: none"> • Uninspiring design. The blocks will dominate the riverside frontage which is one of Lancaster's prime historic sites and will detract from the skyline which features the Castle and Priory. • Given the proximity to the conservation area and its relationship with Grade I listed buildings, the site is sensitive and requires special treatment. The Civic Society contend that the application is not appropriate or of sufficient merit.
Public Realm Officer	<p>Comments as follows:</p> <ul style="list-style-type: none"> • The development should provide 3813sq.m of Amenity Space • Contributions of £231,225 towards Outdoor Sports facilities and £65,364 towards Parks and Gardens should be sought • Need for a cycle link through the railway arches to Quay Meadow and to the cycle path. This should be delivered via a financial contribution to the sum of £107,264 (this figure is based on a cycle link running parallel with the railway line through Quay Meadow) • The developer should indicate how their amenity space/green space will be maintained.
Network Rail	<p>No objection to the principle of the proposal subject to the developer obtaining appropriate consents (BAPA - Basic Asset Protection Agreement) from Network Rail for works within close proximity to their assets. They advise that a BAPA will need to be agreed with the development and Network Rail.</p> <p>Comments received as follows:</p> <ul style="list-style-type: none"> • Access to the arches required at all times • Security of the arches to be agreed • Details of sub-station to ensure no interference with the 25kV railway electrification system • No soakaways within 20m of Network Rails boundary – no drainage to discharge into/onto Network Rails land • Boundary to be erected between site and Network Rails land • Excavation/earthworks/piling/lighting structures in the vicinity of the Network Rail bridge need to be assessed and agreed with Network Rail. • Method Statement and Risk Assessment to be undertaken before development commences
Ramblers Association	<p>Objection on the following grounds:</p> <ul style="list-style-type: none"> • The Lune riverside is a valuable resource for recreation and visitors. The views from the proposed route of the proposed buildings and car park will be intrusive. • The incorporation of a public facility such as a restaurant with sitting area would provide better public realm enjoyment.
Lancashire Constabulary	<p>No objections. Due to the scale of the scheme, crime prevention measures should be incorporated into the design of the scheme. They recommend a condition to this effect and an advisory note advocating the development is built to Secured by Design standards. Physical security, CCTV, lighting and landscaping should be designed taking into account the Secured by Design Standards.</p>
Lancashire Fire & Rescue Service	<p>No objections. Comments provided advising the scheme should be designed to meet Part B5 of the building regulations.</p>

5.0 Neighbour Representations

5.1 Following publicity of the application, 6 letters of objection have been received. It should be noted that some of these representations do acknowledge the need of developing this vacant site (just not in the manner proposed). A summary of the key concerns raised are as follows:

- Flood risk given the proximity to the River Lune;
- The modernist design of the development would be out of character with the historic quayside;
- Concerns over the publicity of the application and pre-submission consultation;
- Lack of information concerning the ground floor uses of the buildings and open space;

- The ground floor space should support non-student uses to ensure the development provides for the community;
- There is a lack of family housing – no need for student accommodation in this area;
- Unsuitable location for student accommodation;
- Increased noise and disturbance at unsocial hours from increased footfall along St Georges Quay from the city centre – no plans to address this in the submission;
- Surrounding residential streets are not restricted to residential permits so the development will lead to increased on-street parking;
- Loss of the Mill will lead to degradation of Lancaster’s architectural heritage - its retention would be a permanent reminder of the city’s heritage; and,
- Lost opportunity to incorporate the existing Mill with contemporary buildings.

5.2 A petition has been received with 98 signatures. The petition urges the Council to require the developer to amend their plans to make sure the student accommodation fits the architecture of the historic St Georges Quay, specifically traditional materials should be used (local stone) and the design should incorporate Georgian and Victorian architectural styles. The petition objects to the demolition of the Mill building and states that student accommodation seems to be taking up prime building sites in the city to the detriment of the local residents and visitors.

5.3 In addition to the above representations, the local planning authority has received 14 separate representations from a previous land owner raising a number of planning and non-planning related objections to the proposal. A summary of the planning-related concerns received are set out below:

1. The original planning permission in November 2002 retained and converted the St Georges Works Mill Building and provided for 350 dwellings, 8,000 square metres of commercial space, ancillary uses and open space. The council obtained a Compulsory Purchase Order on the basis of this permission. This is the development which should have been implemented.
2. The council approved a master plan in 2007 which provided for the same range of uses and development proposals including the retention of the St Georges Works Mill Building.
3. The council and the developer have not delivered on their obligations to implement the approved development and has wasted public money in doing so.
4. The new planning application 16/00574/FUL should be refused as it seeks to introduce a new masterplan which breaches the Council’s own vision and requirements.
5. The Mill Building should be retained. Its’ condition has deteriorated due to neglect.
6. The Homes and Communities Agency (HCA) in funding the original scheme did so because of the intrinsic townscape quality of the St Georges Works Mill Building. It is the only remaining Mill building built by James Williamson synonymous with St Georges Quay.
7. The new proposals fall short of delivering 8,000 sq m of B1 business space therefore the council’s original objectives against which they secured public funding would not be met.
8. High quality homes to ECO Homes “Excellent” and BREEAM “Very Good” and at least 70 affordable homes will not be delivered as originally envisaged.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework:

Paragraphs 7, 12 and 14 – Achieving Sustainable Development

Paragraph 17 – Core Principles

Paragraphs 32, 34, 35, 36, 39 and 41) – Promoting Sustainable Transport

Paragraphs 56, 57, 58, 60, 61, 62, 64, 65, 66) – Requiring Good Design

Paragraph 111 – Planning should encourage the effective use of land

Paragraph 118 – Biodiversity

Paragraph 120 - 125 – Land contamination, noise and light pollution and air quality considerations

Paragraphs 128 – 141 – Conserving and Enhancing the Historic Environment

Paragraphs 187 – Decision Taking

Paragraphs 188 – 190 – Pre-application Engagement

Paragraphs 196 -197 – Determining Applications

Paragraphs 203, 206 – Planning Conditions

6.2 **Lancaster District Core Strategy (2008)**

SC1 Sustainable Development
SC5 Achieving Quality in Design
SC6 Crime and Community Safety
SC8 Recreation and Open Space
ER1 Higher and Further Education
ER2 Regeneration Priority Areas
ER4 Town Centre and Shopping
ER5 New Retail Development
E1 Environmental Capital
E2 Transportation Measures
CS1 Improving Customer Services

6.3 **Saved Lancaster District Local Plan**

H3 Housing Opportunity Site
T24 Strategic Cycle Network
T26 Improvements to the Strategic Cycle Network
E29 Green Spaces
E31 Key Urban Landscapes
R1 Open Spaces

6.4 **Development Management Plan DPD (2014)**

DM1 Town Centre Development
DM3 Public Realm and Civic Space
DM4 Cultural Assets
DM5 Evening and Night-time Economy
DM15 Proposals involving Employment Land and Premises
DM20 Enhancing Accessibility and Transport Linkages
DM21 Walking & Cycling
DM22 Vehicle Parking Provision
DM23 Transport Efficiency and Travel Plans
DM25 Green Spaces
DM26 Open Space
DM29 Protection of Tress, Hedgerows and Woodland
DM30 Development affecting Listed Buildings
DM31 Development affecting Conservation Areas
DM32 The setting of Designated Heritage assets
DM34 Archaeology
DM35 Key Design Principles
DM37 Air Quality Management and Pollution
DM38 Flood Risk
DM39 Surface Water & Sustainable Drainage
DM46 Accommodation for Students
DM48 Community Infrastructure
DM49 Local Services

Appendix B (Car Parking Standards)

Appendix D (Purpose Built & Converted Shared Accommodation)

Appendix F (Studio Accommodation)

6.5 **Other Considerations**

Draft Preferred Options Land Allocations DPD

Policy CWL3 Luneside

Whilst Supplementary Planning Guidance and Documents (SPGs and SPDs) do not form part of the Development Plan, they are a material consideration. The following are relevant:

- Supplementary Planning Guidance 4 (Luneside East Development Brief – September 2004)
- Meeting Housing Needs Supplementary Planning Document (February 2013)

National Planning Policy Guidance (NPPG)

7.0 Comment and Analysis

7.1 The material considerations arising from this application are:

- Principle of Development
- Commercial Development
- Impact on Heritage Assets
- Urban Design considerations
- Open Space and Connections
- Traffic and Parking Considerations
- Biodiversity Considerations
- Flood Risk and Drainage
- Standard of Accommodation and Residential Amenity Considerations
- Other Matters

7.2 Principle of Development

The site at Luneside East is a long standing regeneration area, identified as a housing opportunity site under Saved Policy H3 of the adopted Development Plan and identified as a Regeneration Priority Area under Policy ER2 of the Lancaster District Core Strategy, which sought to identify the Luneside East site for 'mixed-use' regeneration. The wider Luneside East site was subject to a Development Brief (2004), which sought to transform this heavily-contaminated and predominantly derelict site into a vibrant new quarter with a mix of residential, workspace and leisure uses. This demonstrates a long standing support for the regeneration of the site for a range of uses albeit predominantly residential purposes. The emerging plan approach to this site has to date remained unchanged. The Draft Preferred Options Land Allocations DPD (Policy CWL3) supports the regeneration of Luneside East for residential led mixed-use development incorporating elements of employment and commercial use.

7.3 The applicant has submitted a full planning application for the redevelopment of the site and therefore is not bound by the terms or conditions of the outline permission. The application must be judged on its own merits having regard to the current, adopted Development Plan and other material considerations. The redevelopment of the application site predominately for residential purposes is acceptable in principle and compliant with saved policy H3, which specifically states that the site is particularly suitable to student accommodation. Policy SC4 of the Core Strategy also recognises that students represent an important component of Lancaster's housing market and that the Council are committed to ensuring their needs are addressed as part of the overall housing strategy. Whilst Core Strategy policy ER1 seeks to concentrate new student accommodation on campus where possible, it also advocates locations with good public transport, walking and cycling links to the institutions they are intended to serve. This is echoed in policy DM46 of the DM DPD. The proposed site is regarded a sustainable site for student accommodation.

7.4 As student accommodation is a form of housing it therefore contributes to meeting the District's housing needs, albeit a specific type of housing need, and therefore due regard should be paid to the relevant housing supply policies. The most recent housing land supply and delivery position for the district is described in the 2015 Housing Land Monitoring Report (HLMR) and accompanying Housing Land Supply Statement 2015. This has a base date of 1st April 2015. Allowing for existing commitment, past housing completions, the requirement for a 5% NPPF buffer (and the Sedgefield Methodology for calculating the future supply of housing land) the statement identifies a 5-year position of **3.4 years** against its adopted housing requirement of 400 dwellings per annum. The NPPF introduces a requirement for local planning authorities to meet their full, objectively assessed need for both market and affordable housing in their area and to identify a supply of specific deliverable sites to provide five years' worth of housing against their housing requirements. Within Lancaster District it is apparent that even considering all sources of housing supply, it may be the case that sufficient development may not come forward within the next five year period to full satisfy delivery of its full 5-year housing requirement. In such circumstances the NPPF states that the district's policies relating to the supply of housing may be considered out-of-date. As such, the NPPF stipulates that planning in such circumstances must be taken in accordance with the presumption in favour of sustainable development (Paragraph 49 and 14 of the NPPF). This carried significant weight in the consideration of this application.

- 7.5 The incorporation of ground floor commercial elements intended to serve the student accommodation (and the wider community) would also be consistent with regeneration objectives set out in Core Strategy policy ER2, which promotes mixed-use residential and employment regeneration. It is also considered consistent with the strategic aspirations of SPG 4. The primary policy objective has always been to positively regenerate a large, derelict brownfield site in a location of strategic importance delivering high quality mixed-use development to achieve a sustainable and 'balanced community'. This continued objective has been reflected by the grant of various planning consents over the last 15 years and remains a key policy objective in emerging policy CWL3. A full assessment of the commercial aspects will follow, but the principle of a mix-use scheme comprising some retail, leisure, employment uses is compliant with the Development Plan.
- 7.6 In summary, the proposal provides a significant amount of housing, albeit for student housing, contributing towards the Council's current under supply; it will regenerate a long-standing brownfield site in a sustainable location and provides a mix of uses helping to create vibrancy and activity around the main gateway of Carlisle Bridge serving the new communities established within the wider Luneside area. Whilst the proposed site relates to only a proportion of the wider Luneside East site, the principle of the development remains consistent with the land uses approved under historical consents. The following sections of the report will consider other key planning considerations, to assess whether the presumption in favour of sustainable development applies.
- 7.7 **Commercial development**
The proposed development incorporates 1855 sq.m of commercial space within the ground floors of Blocks A, B and D and the Pump House. The applicant seeks planning permission for uses falling within use classes A1 – A4, B1a, D1 (GP surgery/health centre only) and D2 (gymnasium only). Other uses falling within the D1 and D2 use classes have now been omitted from the scheme along with A5 (take-away) uses.
- 7.8 These uses are town centre uses. Paragraph 24 of the NPPF states that '*Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre*'. This policy approach is set out in Policy DM1 of the DM DPD requiring development proposals for main town centre uses which are not located in town centre locations, or are not in accordance with specific policies in the Land Allocations DPD, to apply the sequential test.
- 7.9 There is no requirement under this development proposal to undertake an impact assessment as the threshold of 2500 sq.m is not exceeded.
- 7.10 The applicant has not submitted a sequential assessment but argues that the incorporation of commercial elements is consistent with historical consents and the original development brief for the wider site (SPG4). The applicant argues that in this instance it is considered that the proposed commercial uses would aim to meet 'location-specific' needs and thus there would be no requirement for a sequential assessment.
- 7.11 Officers have not entirely shared the view advanced by the applicant. However following negotiations further information has been submitted by the applicant to satisfy Officers that the proposed commercial uses would genuinely meet the location-specific needs originally set out in the application and that the proposal would not become a destination in its own right, in an out-of-centre location. The applicant is willing to accept a range of planning conditions limiting the uses to those applied for (as amended) with commercial permitted development rights removed where necessary; a condition which restricts the ability of the floorspace to each block to be occupied by a single operator and a condition setting out maximum unit sizes (300 sq.m). This in your Officers' opinion would limit inappropriate large town centre uses occupying this out-of-town site, (albeit an accessible and well connected out-of-town site), but would provide the applicant with sufficient flexibility to secure prospective operators. The provision of smaller units are more likely to attract operators aimed at serving a local need, such as a small convenience shop, newsagents, hairdressers, coffee shop etc – effectively akin to a new *local* centre. This would support the growing residential development in the area and would contribute to achieving a vibrant, balanced, sustainable community for the wider Luneside and the nearest parts of the existing Marsh communities.

- 7.12 Despite the fact the site is allocated for housing purposes and not town centre uses, Officers have had regard to the historical consents which permitted 8000sq.m of commercial floorspace and the policy objectives set out in Core Strategy policy ER2 and the development brief (SPG4), supporting mixed-use regeneration of the site. Officers are also mindful of the policy direction of the emerging land allocation for Luneside East, which again supports mixed-use development. On this basis, a sequential assessment has not been sought as it would only serve to be an academic exercise and would not necessarily alter the position that the site lends itself to some commercial development to achieve a vibrant and sustainable development. Subsequently, with the applicant's acceptance of a range of conditions as set out above, the principle of limited commercial development in this location would be considered acceptable.
- 7.13 **Impacts on Heritage Assets**
The NPPF states that when considering the impact of a proposed development on the significance of a designed heritage asset, great weight should be given to the asset's conservation. Similarly, the local planning authority in exercising its planning function should have regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states "*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". Similarly, section 72 requires that *in the exercise of planning duties special attention shall be paid to the desirability of preserving and enhancing the character or appearance of conservation areas*.
- 7.14 Paragraph 132 of the NPPF seeks to express the statutory presumption set out in s66(1) and s72 of the 1990 Act. How the presumption is applied is covered in the following paragraphs of the NPPF, though it is clear that the statutory presumption is to avoid harm. The exercise is still one of planning judgment but it must be informed by the need to give significant weight to the desirability to preserve the heritage asset.
- 7.15 The application site is not located within a Conservation Area and has no listed buildings within its site boundaries. It is however immediately adjacent Lancaster's Conservation Area (its boundary being Carlisle Bridge) and is located in the foreground to the Grade I listed Castle and Priory to the south-east of the site. Subsequently, in accordance with national and local planning policy a heritage assessment has been submitted with the application. Special attention is given to the setting of nearby designated heritage assets and the impacts of the development on the significance of that setting. The heritage statement has been revised with additional computer generated images (CGIs) submitted in support of the proposal and in response to some earlier Officer concerns, in order to comply with paragraph 128 of the NPPF.
- 7.16 In addition, it is accepted that St George's Works Mill Building is a non-designated heritage asset and that in accordance with policy there is a presumption in favour of retention. This building together with the Pump House are remnants of the former St George Works (one of two leading linoleum manufacturers within the city – James Williamson). This application proposes the demolition of the Mill Building and the retention of the Pump House. It is acknowledged that previous consents have sought to retain both buildings.
- 7.17 **Loss of the Mill Building**
The existing Mill building is five-storeys high of utilitarian design with classical architectural detailing typical of industrial buildings of the 19th century. It is constructed from coursed rubblestone with quoin detail and despite its relatively bland appearance it does pose a striking feature on St Georges Quay. Its appearance within the streetscene is perhaps emphasised by the fact it is the only remaining building along the frontage following extensive demolition, site clearance and remediation under earlier consents. The Mill Building was once significantly larger than what remains today. The eastern flank of the building suffered extensive fire damage in 2012 which eventually led to its partial demolition, via planning permission 11/00885/FUL. Policy DM33 of the DM DPD states that there is a presumption in favour of retention of non-designated heritage assets and that any loss in whole or part of such an asset will require clear and convincing justification. As well as the submitted Heritage Statement, a Structural Survey Addendum report has also been submitted. This evidences that the mill is in a structurally poor condition as a consequence of being vacant for a considerable period of time, the effects of vandalism and a significant fire that took place in 2012.

- 7.18 Whilst historical consents have sought to retain the mill building, Development Plan policies do not explicitly state the mill must be retained on this site. The applicant has provided sufficient evidence to demonstrate that the mill building is structurally unsound and that interventions to allow such conversion for student accommodation would render the development unviable. The structural report details the level of intervention that would be required. This is supported by a viability appraisal assuming the retention of the mill building. It is clear to Officers' that this evidence provides clear and convincing justification for the loss of the mill. Albeit reluctantly, based on this evidence the Conservation Officer and Lancashire Archaeology Advisory Service accept the loss of the mill building. The Pump House comprises a tall single-storey building that probably originated as an engine house. This building is architecturally more pleasing with tall rectangular openings with arched heads and moulded brickwork. This building is retained to provide student support space as part of the proposed development. The applicant's heritage statement indicates that this building was not designed to be visible from outside the complex; its attention to detail was reflective of its important function and to show-off the level of technology employed at the works. Officers had suggested amendments to revise the layout of the development to expose views from outside the site of the only retained building from St George's Works. The applicant was not prepared to make those amendments due to other urban design issues discussed later in this report. Based on the submitted supporting statements, the retention of the Pump House and the loss of the Mill building as part of this scheme are acceptable proposals and therefore considered compliant with policy DM33.
- 7.19 Archaeology Implications
The submitted Heritage Statement provides an assessment of the site and the existing buildings thereon and expands on, and makes references to, the building survey work undertaken by Scott Wilson in 2007. This supporting information accords with the requirements of paragraph 141 of the NPPF and policy DM34 of the DM DPD, which seeks the preservation of archaeological assets and supports appropriate investigation and recording of the same. Lancashire Archaeology Advisory Service have considered the proposals and the information submitted in support of the development, and have raised no objections to the application. They also advise that given the existence of the Scott Wilson survey, no further building recording is required. Historic England have been consulted on the application and have confirmed that historically their main considerations have related to the potential archaeological significance of the area. Together with their own archaeological adviser, Historic England have reviewed the documentation submitted by the applicant and read the comments provided by Lancashire Archaeology Advisory Service and are satisfied that the archaeological matters had been sufficiently addressed.
- 7.20 Setting of Designated Heritage Assets
Paragraph 131 of the NPPF requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness. It is accepted that great weight should be given to the asset's conservation, though this is clearly proportionate to the level of significance.
- 7.21 In this case, the application site is clearly separated from the adjacent Lancaster Conservation Area by Carlisle Bridge - previously described by the Council as an 'emphatic' barrier. The Lancaster Conservation Area covers a large area and so for the purposes of this assessment, the closest sub-area to the application site for consideration is The Quay. This area represents a strong linear form of development following the quayside terminating at Carlisle Bridge. The character is largely defined by historical warehouses of varying in scale - no higher than 5 storeys - which have in the majority of cases been subject to sensitive conversions. There are a number of examples of new-build developments at both ends of The Quay that have adopted a more traditional approach in terms of scale, design and appearance. Views of the Conservation Area from the application site and equally views from within the Conservation Area towards the application site are heavily restricted by the presence of Carlisle Bridge and the alignment of the quayside and curvature of the River Lune. Glimpses of the application site from the Conservation Area (and vice versa) can in particular be enjoyed under the arches of the bridge and from elevated views when travelling by train.
- 7.22 The site previously occupied poor quality industrial buildings (to the north especially) and has since been vacant following remediation for a number of years. The site as it stands now (and historically) did little to positively contribute to the setting of the adjacent Conservation Area. Whilst the scheme adopts a more contemporary approach and the scale of buildings are taller than the existing mill, the proposals submitted represent high quality design and would remove an unsightly parcel of land. On

balance, despite some concerns to the contrary, the development would not harm the character and appearance of the Conservation Area or its setting. There is sufficient argument to state that the proposals would actually enhance its setting. There is no conflict with policy DM32 in this regard or indeed the requirements of s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.23 Turning to the impact on the setting of the Grade I listed Castle and Priory. Further assessment has been carried out by the developer to enable the local planning authority to make an informed assessment of the impact of the proposals on the significance of the setting of these designated heritage assets. Due to the elevated position of the Castle and Priory these heritage assets represent significant historical and architectural landscape features within the cityscape and as a consequence views of these heritage assets and the significance of the setting of these assets is not simply confined to the vicinity around the application site.

7.24 The revised assessment considers a series of viewpoints to assess the inter-visibility of the development with the Castle and Priory Tower in order to evaluate the effects of the proposal on the significance of the setting of these heritage assets. It is evident that there will be some viewpoints more affected than others. This is most apparent when you consider the viewpoint directly opposite the site on the opposite of the River Lune at a low lying position (this is a worst case scenario viewpoint and is taken on land below the public cycleway). In this viewpoint the development will block views of the Priory Tower that are currently can be appreciated. This view is only likely to be appreciated by somebody either walking or cycling on the opposite side of the river or indeed catching glimpses through the vegetation when driving along Morecambe Road. Subsequently when the observer moves or travels to the west in particular (as eastbound you would be turning your back on the assets) the development becomes more subservient in the foreground of the Castle and Priory as views of those heritage assets are reinstated. The loss of views from this relatively confined position is generally transient and short-lived.

7.25 The Conservation Officer has raised concerns over the height of the development and the consequence this has on the views and therefore the setting of the heritage assets. It has to be pointed out that the scale and massing of the development along St Georges Quay is not dissimilar to early development but evidently the increase of an additional storey taking the development to six-storeys does appear to impinge the views of the Castle and Priory, albeit from what appears to be an almost single viewpoint close up and directly opposite the site. It is also apparent that the development site occupies a lower position than the assets with the Castle Mound dominating the city landscape from views in almost all directions. Therefore, the significance of the setting of the Castle and Priory extends over a much larger area. So whilst the Castle and Priory Tower will experience an impact through alterations to its setting in the viewpoint described above, it is contended that this impact of one particular viewpoint would not lead to substantial harm and would not diminish its overall significance. Significant consideration is weighted towards the desirability to preserve the setting of these designated heritage assets in accordance with planning policy but also the statutory presumptions set out in s66 of the Planning (Listed Buildings and Conservation Area) Act 1990. It is acknowledged that the development will result in alterations to the setting of these assets in one viewpoint (over a short distance) but that this viewpoint would not lead to substantial harm. Overall, it is considered that the development would lead to less than substantial harm to the setting of the assets in this single viewpoint and that the public benefits of bringing the regeneration priority area into use and delivering high quality sustainable development carries equal weight to our consideration of the preservation of heritage assets. In the remaining views around the site and further afield where the experience of the setting of the Castle and Priory can be enjoyed, there is a strong argument that redevelopment of this vacant, derelict site will actually enhance the foreground and setting to the Castle complex. On balance therefore, Members are advised that a refusal on heritage grounds would be difficult to sustain at appeal.

7.26 **Urban Design Considerations**

Requiring good design is a considered a key aspect of sustainable development and is indivisible from good planning. The NPPF places a strong emphasis on high quality and inclusive design for all development (paragraphs 56 and 57). This is echoed in Core Strategy policies SC1 and SC5, together with policy 35 of the DM DPD. These policies seek to ensure new development is of a quality that positively contributes to the identity and character of an area, enhances public realm and specifically in gateway locations creates landmark buildings of genuine and lasting architectural merit. Delivering high quality inclusive design goes beyond the design and appearance of buildings and is also about the way in which a development integrates into the natural, built and historic environment.

- 7.27 In this case the design of the development has evolved having regard to the original design aspirations set out in the original design brief for the wider Luneside East area (SPG 4). Whilst the SPG is not part of the adopted Development Plan, this was a sensible approach and one that has been advocated by the planning authority during pre-application discussions. Despite concerns to the contrary, the original design brief did not explicitly state that the Mill building must be retained. Whilst perhaps this was desirable at the time, the design brief and subsequent pre-application discussions have clearly indicated that any replacement building, having justified the loss of the mill building, must be of comparable scale, massing and presence within the streetscene.
- 7.28 The proposed development adopts a contemporary approach to the building design, but one that successfully reflects the industrial heritage of the site. This is achieved through a careful and simple palette of materials, the large rectangular forms and strong repetitive rhythm of openings. The composition of the elevations are positively bold and imposing but carefully broken up by the striking corten steel vertical features which run the full height of blocks B and D. Similarly, the change in material to the top floor of Block D and part of Block B helps anchor the building and prevent the increased heights of the proposed development appearing overbearing, particularly when viewed in context with the smaller, more traditional development approved along the frontage on the Persimmon Homes scheme.
- 7.29 The development has been designed with stand-alone building blocks which have been carefully positioned within the site to maximise opportunities to create high quality public realm and landscaping around the buildings. The tallest elements of the scheme are Blocks B and D located on the south side of St George's Quay. These are a storey higher than the existing Mill. However, with the demolition of the existing Mill the applicant has been able to set the building line back to enhance the public realm along the frontage in this location and to reduce any overbearing impacts of the development. This also improves the permeability between the site and its surroundings and enhances the interface with the Conservation Area. Officers had raised concerns over the design and scale of Block B. The primary concern was the design of the tallest element of this block - which is not broken with the corten steel to the top floor like other buildings within the development - emphasises its vertical scale. This will form a prominent feature within the streetscene and perhaps most noticeable when entering the city via train. The developer was not prepared to make amendments to this block and asked the scheme be determined as it stands on the basis that the design was as agreed at the pre-application stage. Despite some concerns over this element of the scheme, when this block (as designed) is viewed in context with the Block B within the streetscene it is perhaps understandable to see why the appearance of this block is designed in the manner proposed - arguably designed to create a termination (book-end) to the new built-form before reaching the bridge.
- 7.30 The design of Block A is particularly interesting and innovative. It is appropriately designed with dual aspects acknowledging its frontage to the riverside and also St George's Quay. The scale of this building is admittedly taller than earlier buildings on this site, but is of a quality and appearance that is commendable. The extensive use of glazing on the north elevation creates a lighter aesthetic finish which will complement its riverside setting. The elevation facing St George's Quay takes references to the design and use of materials of Blocks B and D and provides a positive frontage in this location too. Block C is located to the rear of Blocks B and D adjacent to the retained Pump House. This building block is only 3-storeys high but designed to reflect the large building blocks to the north. The reduced scale in this location provides for an acceptable relationship with the conventional 2/3 storey housing development approved to the south. It also ensures that the development sympathetically sits adjacent to the retained and converted Pump House and does not appear overbearing.
- 7.31 Turning to the issue of site layout, the scheme has evolved during the pre-application stage. The proposed layout provides a strong continuous building line along St Georges Quay, albeit set back to enhance the pedestrian environment and legibility between the site and the historic built form of St Georges Quay to the east. The 'L' shaped Block B is designed in such a way to create a sense of enclosure to the rear of these blocks in order to enhance the public realm. This approach has been advocated by the Council's Urban Design Officer at the pre-application stage. The submitted, revised landscaping proposal provides a careful balance of soft and hard landscaping and acknowledges the need to retain an 8m easement with the River Lune. The areas of hard landscaping around Blocks A, B and D responds to the proposed mixed uses providing opportunities for appropriate commercial uses, such as cafes, to expand into these spaces to support the vitality of the area. In addition, the scheme provides linkages to the Riverside cycle path from the north (via the landscaped areas) and proposes appropriate hard landscaping under the arches in order to provide a link to River Street and

Quay Meadow. The incorporation of active commercial uses below residential development together with imposing and attractive buildings, suitable connections to the adjacent built and natural environment and high quality public realm provides the requisites for good place-making.

7.32 The only weakness here is the lack of “public” commercial space to the riverside. Block A is proposed to be for students only and therefore any commercial uses proposed within this block will not be available to the wider public. This is a dis-benefit to the wider community who may want to take in the attractive riverside setting of the development. Overall however, the scheme still delivers active frontages in this location and uses appropriate to the riverside setting. Commercial uses within blocks B and D will be available to serve the wider community and with high quality landscaping will still provide attractive and pleasant spaces to enjoy. The layout has been amended to improve the visual connections between the open spaces to the rear of this development and the pedestrian boulevard proposed as part of the Persimmon scheme in order to try and present appropriate legibility across the wider site towards Long Marsh Lane. The landscaping areas and public realm has been designed taking account of the building orientations to ensure sufficient natural surveillance. This helps create positive, safe and attractive streetscapes which will contribute to the visual amenity of the locality. Overall the layout of the development with the landscaping proposals put forward are considered compliant with policies SC1, SC5, DM35 and DM3 of the DM DPD.

7.33 **Open Space & connections**

The proposed development provides a good amount of public realm and open amenity space within the boundaries of the development site. The proposed landscaping proposals provide pedestrian connections to the riverside path, together with modest improvements to remove the current 90 degree bend. The scheme also provides a connection under the archway of Carlisle Bridge to River Street where there is a hard surfaced path up to the edge of Quay Meadow. This path was provided by the developer (Places for People) of the small terraced properties to the rear of River Street. Officers have subsequently sought contributions towards Quay Meadow towards pedestrian and cycle connections and public realm features (new benches and interpretation boards). The figures are significantly below the figures suggested by the Public Realm Officer on the basis that the higher figures could not be justified or quantified for physical improvements that would meet the planning obligation tests set out in paragraph 204 of the NPPF. The applicant has challenged the request querying the proposed cycle connections between St Georges Quay, through Quay Meadow towards the city centre. Their argument is that there is already a Riverside Cycle path that would provide connection to the north and east of the city and those wanting to travel to the city centre are more likely to travel through the Persimmon scheme to Long Marsh Lane. Officers have also sought a cycle connection between the north and south elements of the site so that provision is made for cyclists to safely access the Riverside path. The scheme provides for a link to River Street but at present between River Street and the grassed area of Quay Meadows there is no made path. The requested contribution would provide for a pedestrian gravel path through the wooded area including some tree works to facilitate the path. This request is considered proportionate to the development and well-related. Officers have secured a contribution of £19,000 towards an improved pedestrian links from River Street to Quay Meadow including new benches and interpretation boards. Officers are still negotiating cycle improvements at the time of drafting this report, and will provide a verbal update.

7.34 **Traffic and Parking Considerations**

National and local planning policy recognises that consideration of transportation has a vital role to play in facilitating sustainable development. In particular, developments that generate significant movements should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Core Strategy policy SC1 makes this point quite clear and indicates that a sustainable location for residential development is normally 400m safe walking distance from a public transport route; less than ½ by public transport from local services such as GP practice, employment areas and town centres, and; less than 1mk by a safe direct route to the Districts Strategic Cycle network (amongst other criteria). The purpose of Core Strategy policy E2 aims to support the District’s regeneration, improve resident’s quality of life and minimise the environmental impacts of traffic and to do this development should be focused in accessible and sustainable locations in the first instance. The Development Management DPD sets out more specific policies in respect of enhancing accessibility and transport linkages (DM20); protecting and improving the pedestrian environment and building on the District’s designation as a ‘Cycling Demonstration Town’ (DM21); ensuing development has an appropriate provision of car parking (DM22), and; supporting opportunities to promote sustainable modes of travel through the encouragement of Travel

Plans (DM23). The applicant has been mindful of the policy position and has submitted a Transport Statement in support of their application.

- 7.35 It is accepted that the site occupies a sustainable location being only approximately 625m (along St George's Quay) to the city centre boundary. Bus Services run directly passed the site providing services to the city centre and the Universities beyond. There is an existing bus stop on St George's Quay (circa 400m from the site) and others on Lune Road. A strategic cycle route runs along the riverside adjacent to the northern parcel of land subject to this proposal.
- 7.36 St George's Quay is a single carriageway subject to a 30mph speed limit. It currently serves a large residential area and Lune Industrial Estate to the west. There is a height restriction at the Damside former railway bridge restricting particularly high vehicles running along St Georges Quay in the vicinity of the application site. Carlisle Bridge to the east of the site results in the narrowing of the carriageway where informal give-way arrangements operate.
- 7.37 The application is bisected by St Georges Quay and so the proposal incorporates a single priority controlled junction serving the proposed car parking area and Block A with minimum visibility splays of 2.4m x 34m. On the northern side of St Georges Quay a new 2m wide footway will be provided and shall connect under the arched bridged to the existing shared pedestrian/cycle riverside path. The scheme also incorporates a new bus shelter on this side of the road to provide easy access to the existing bus services. The larger portion of the development located to the south side of St Georges Quay shall be served off another single priority controlled junction to the west of Block D. This access and internal road layout is excluded from the red edge but is located within the applicant's ownership (blue edge) and already has the benefit of planning permission under 13/01200/FUL and the subsequent s73 application (14/01186/VCN). The applicant proposes to enter into a legal agreement which would place an obligation on them to provide this access and internal road in the event the Persimmon scheme is not implemented. The proposal also provides a significantly wider footway in front of Blocks B and D along St Georges Quay.
- 7.38 Given the scheme is bisected by St Georges Quay the development recognises the importance of ensuring a safe crossing between the two sites, particularly as the commercial ground for area of Block A is for students only. Subsequently, an uncontrolled pedestrian crossing is proposed as part of the scheme and is positioned centrally between Blocks B and D. In addition to the above highway works the applicant also proposes a series of traffic calming features from the west of the pedestrian crossing towards Lune Road. It is contended traffic calming is not necessary to the east of the crossing as Carlisle Bridge itself acts as a suitable traffic calming feature given the narrowing of the carriageway, though this will be formalised as part of the Section 278 (highway) works. The precise details of off-site highway works, provision and timetables for implementation can be secured through the imposition of a planning condition. Equally, such works will also be subject to s278 works under the Highway Act. County Highways have raised no objections to principle of the development, the access arrangements and off-site works.
- 7.39 In terms of parking provision it is accepted that student development located in sustainable locations would not attract a significant demand for parking. The proposal provides 79 spaces including 10 accessible spaces across the application site. 60 of these spaces are intended to be dedicated to the students which equates to a ratio of 1 space for every 7 students. These spaces are located to the west of Block A and some to the south of Block C. It is understood that these parking areas will be privately managed and controlled by a permit system. There is an argument to say this is an over provision of parking, however, it is contended that it strikes an acceptable balance between the demands for long term parking by some students and the parking policies adopted by the university's which prohibits student parking on campus. County Highways have not raised an objection to the level of parking for the student development.
- 7.40 The remaining 19 spaces will be available to visitors of the accommodation and commercial uses proposed as part of this scheme. There has been a lack of consideration within the submission concerning the parking requirements set out in policy DM22 and appendix B in connection with the proposed commercial uses. The parking standards would require a much greater level of parking based on the commercial floor area across the scheme and the nature of uses proposed. Understandably, it is difficult to define the exact parking provision requirements as the proposal seeks a flexible approach to the size and types of commercial uses proposed. For example, the parking standards require a greater level of parking (1 space per 32sq.m) for B1 (business) uses than A1 (retail) uses (1 space per 15sq.m).

- 7.41 Notwithstanding this, the parking standards are maximum standards rather than minimum standards and policy aims to encourage more sustainable modes of transport than use by private car. The site is sustainably located and the commercial uses are either aimed at solely serving the student accommodation (block A) or serving a location-specific need (akin to a local centre), therefore there is a strong argument that the commercial uses likely to operate in this area will draw in their customers from the site and immediate surrounding residential areas. It is most probably that most would walk to the site. Furthermore, the applicant is willing to implement a Travel Plan associated with the development to encourage the use of alternative forms of transport from the private car. With these considerations borne in mind, it is contended that the level of parking for the commercial elements should be adequate.
- 7.42 All the parking areas will be controlled and managed by the developer (or a subsequent management company). To ensure an appropriate balance is struck between the parking provision for the student accommodation and the commercial elements, it could be that through appropriate management regimes if there transpires to be an over-provision for the students and an under-provision for the commercial aspects, that the developer can reallocate spaces accordingly in order to prevent any unnecessary on-street parking in the area. This could be controlled by condition by the provision of a car parking management strategy. County Highways have raised no objections to the parking provision for commercial aspects of the development.
- 7.43 Turning to pedestrian/cycle connectivity and public transportation. County Highways have made representations advising the local planning authority to seek appropriate contributions towards public bus services. They indicate that the existing bus provider which operates a single-decker service along the Quay is willing to provide a double decker service. However, County Highway highlight that this is not possible because of the height restriction at the Damside bridge to the west of St George's Quay. It is suggested by County Highways that as this bridge is owned and managed by the City Council, contributions should be sought to resolve this situation. Unfortunately, the likelihood of contributions being sought to remove or amend the existing bridge arrangement's (which carries the cycle link) to allow a double decker service to operate are unrealistic and disproportionate to this current planning application. On this basis, no such contribution has been sought. The existing services in this location are not subsidised services and so the applicant would not be willing to contribute to bus services on this basis.
- 7.44 Improvements to the pedestrian environment are delivered through his scheme, including the new footway to the north of St Georges Quay, a new crossing and improved footway/public space to the south side of St Georges Quay. The scheme incorporates as part of its public realm and landscaping proposals links to the riverside path and a connection under Carlisle Bridge linking to River Street. Officers are also currently negotiating a contribution for a new pedestrian path from River Street to the recreation fields on Quay Meadow. These measures are considered to improve the pedestrian environment and so are compliant with policy DM21.
- 7.45 The development seeks to promote cycling through the provision of sufficient cycle provision (1 space per 2 students) in secure compounds. This far exceeds the Highway Authority requirements of 1 space per 10 students. In terms of cycle connections there are some weaknesses in the scheme, though not insurmountable. The proposed landscape proposal does include a connection to the riverside cyclepath, however, the new footway from the proposed new crossing does not cater for cyclists (only 2m wide). Officers are in negotiations regarding some improvements in this location in order to deliver safe crossing and connections for cyclists as well as pedestrians from the south side of the site to the riverside path. A verbal update will be provided. Officers have also sought a contribution towards cycle connections through Quay Meadow, however the suggested location for this link (off St Georges Quay at the Museum through the far eastern end of the public open space) is not likely to be considered directly-related to the development. Students wanting to cycle to the university are most likely going to travel via road to the west or along the Riverside route to the east towards the city centre.
- 7.46 The only other element of some concern to the Highway Authority is the proposed servicing arrangements for Blocks B and D. This is intended to be within the public realm space to the rear of the site. In the whole this area is kept clear (with the exception of 3 accessible spaces to the front of the Pump House) to create a permeable, safe and attractive public space in accordance good design and Policy DM3 which seeks to support proposals which discourage car-dominant environments. The concern relates to vehicle and pedestrian conflict within this space. It is accepted that in urban

design terms it would be disappointing to see valuable landscaped areas lost for standard delivery/servicing solutions. This would be particularly difficult here because of the dual aspect of the development – there is no ‘rear’ aspect to the scheme. Officers are negotiating the relocation of the electric charging bays to allow a further loading in the highway to potentially remove the need for servicing within this public realm space. A verbal update will be provided. Alternatively, a condition requiring a servicing and delivery management strategy could be pursued, which would demonstrate how and when servicing and deliveries would be made in the interests of maintaining a safe pedestrian environment.

7.47 **Biodiversity Considerations**

As noted in the introduction to this report the site lies in close proximity to the River Lune and its associated designations and a large groups of protected trees to the south of the site. The application is accompanied by an extended Phase 1 Habitat Survey Report which has had regard to the historical consents on site, planning policy and the implications of the proposed development on the biodiversity value of the site. National planning policy states that the planning system should contribute to and enhance the natural and local environment, by (amongst other criteria) minimising the impacts on biodiversity and providing net gains in biodiversity where possible (paragraph 109). Paragraph 118 of the NPPF makes it clear that if significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated, then planning permission should be refused. Policy DM27 follows the same principles but goes on to state that the onus will be on the applicant to demonstrate how impacts on biodiversity have been minimised.

7.48 Given the proximity of the development to nearby European nature conservation sites, Natural England initially advised that the local planning authority must assess whether the proposal alone or in combination is likely to significantly affect the special features of Morecambe Bay SPA/RAMSAR. Inadequate information was submitted to rule out any likely significant effects and so further information was requested to enable the authority to undertake a Habitat Regulations Assessment. The applicant submitted a draft Construction Environment Management Plan to address concerns as the potential impacts identified by Natural England related to the impacts from run-off/discharges during construction. Under the Habitat Regulations a precautionary approach must be adopted and so the level of information required was quite extensive. A Habitat Regulations Assessment has been undertaken and concludes that the application will not have any significant impact on the special interest of European Protected Sites, *providing* that a fully detailed CEMP is condition and agreed with the LPA before development commences and appropriate land contamination conditions are imposed, as per the advice of the Council’s Contaminated Land Officer.

7.49 With regards to protected species, the submitted report concludes that while there is no evidence of protected species found during the phase 1 survey, habitat with the potential to support bats and breeding birds was identified. Earlier consents were conditional of further survey effort in respect of breeding birds and bats prior to the commencement of any development (including demolition) including appropriate mitigation where necessary. This approach is accepted in this case, with GMEU raising no objections to the development subject to such conditions. GMEU recommend that mitigation should include the provision of bat boxes close to the river. Overall, it is accepted that the development, with appropriate conditions, would not adversely affect local biodiversity, protected species or the special features of the nearby European designations.

7.50 **Flood Risk and Drainage**

The site falls within Flood Zone 3 which is defined as having a high probability of flooding, albeit it in this case the Quay is protected by flood defences with crest levels of the defences at the site set at 8.29m above Ordnance Datum. The NPPF and policy DM38 of the DM DPD seeks to direct new development away from areas at highest risk of flooding. New development, in areas which are vulnerable to flood risk, are required to meet the Sequential and Exception Tests as appropriate and provide site-specific Flood Risk Assessments (FRA) to demonstrate the site is not at risk of flooding and would not increase the risk of flooding elsewhere.

7.51 As noted earlier in the report, the site is by-in-large covered by a housing allocation in the saved Local Plan (policy H3). Subsequently, there is no need to undertake a Sequential Test in accordance with the advice contained in the NPPF (paragraph 104) and NPPG (Paragraph 33). The applicant’s FRA acknowledges this approach but assumes the whole Luneside area is allocated which is not quite the case. The only element that is outside this existing housing land allocation is the land to the north of St George’s Quay (Block A). Whilst the application has not been supported by a Sequential Test assessment for this element of the scheme, it is clear that it forms part of a wider regeneration priority

area (under Core Strategy policy ER2) and has been the subject of previous consents for residential-led mixed use development. If the Sequential Test was applied, and in accordance with the NPPG, a pragmatic approach to the availability of alternative sites should be adopted. In this case, locating this one element of the proposed development to an area where there is a lower risk of flooding within the wider area subject to regeneration, would not be possible as most of the site falls within flood zones 2 and 3. Subsequently, it can be argued that the sequential test could be passed and it would be therefore reasonable to move to the Exception Test.

7.52 In terms of the Exception Test, it is contended that Block A and the redevelopment of the north side of St George's Quay is an integral part of the application proposal and so to disaggregate elements of the scheme would be unrealistic and would weaken the comprehensive approach to regenerating this part of Luneside East. Paragraph 36 of the NPPG states that where the site is part of a regeneration strategy it is very likely that it will provide the wider sustainability benefits to pass the first part of the Exception test. The second part of the Exception Test is to ensure the development will be safe and will not increase flood risk elsewhere.

7.53 The application has been supported by a FRA and Drainage Assessment. Both Statutory consultees, the Environment Agency (EA) and the Lead Local Flood Authority (LLFA), have considered the information submitted and have raised no objections to the development proposals, subject to conditions ensuring the development is carried out in accordance with the FRA and the mitigation measures set out therein. Specifically, this relates to the finished floor levels being set no lower than 6.86m above Ordnance Datum. It should also be acknowledged that in the majority of cases (except two cluster flats in Block A) all the residential accommodation is set at first floor level. With regards to the drainage, the LLFA have confirmed no objections to the development subject to an appropriate surface water drainage scheme being submitted for approval, based on sustainable drainage principles, and a separate condition dealing with the management and maintenance of an agreed surface water drainage scheme for the site. Overall, it is accepted that with the imposition of floor risk and drainage related conditions, the development will not be at risk of flooding and will not lead to a flood risk elsewhere. On this basis, the development accords with policies SC7, DM38, DM39 and paragraphs 100 – 104 of the NPPF.

7.54 **Standard of Accommodation & Residential Amenity Considerations**

Paragraph 17 of the NPPF sets out 12 Core Planning Principles. One of these principles states that planning should '*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*'. Policy DM35 of the DM DPD expands on this national guidance and expects new development to ensure no significant detrimental impact to the amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution.

7.55 There are three key issues to consider in relation to residential amenity in this case:

- 1) The physical relationship of the development to existing and permitted residential development;
- 2) The compatibility of residential uses with commercial uses;
- 3) The standard of student accommodation proposed.

7.56 Physical Relationship of development to neighbouring development

As discussed elsewhere in this report, the design and layout of the development has taken account of the scale and position of previously permitted development on the remaining part of the Luneside East site 'the Persimmon scheme'. The larger building blocks are located on the north side of St George's Quay and up to the edge of footway (albeit a widened footway) on the south side of the road. This in turn creates the large piazza to the rear of the main bulk of development thus resulting in appropriate interface distances between the proposed development and the housing scheme recently approved. Block C is of much reduced scale to take account of the 2/3 storey residential development to the rear. To quantify this Block D's rear elevation is circa 34.5m from the front elevations of the dwellings immediately behind this block. The retained Pump House is positioned circa 10.5m to the side elevation of the nearest permitted dwelling, though this has been accepted as an appropriate relationship when the Persimmon scheme was determined. The side elevation (west) of Block D is positioned approximately 18m from the side elevation of the permitted houses fronting St Georges Quay. The separation distance between the rear of Block C and the facades of the permitted dwellings to the rear is 21m. The taller Block B located in front of Block C is in excess of 60m from the front elevations of the permitted residential development to the rear of the site.

- 7.57 The proposed blocks have been designed to ensure that the main window openings serving the student bed spaces are generally orientated north and south (with the exception of Block B). This assists in reducing the impact on neighbouring residential amenity. In terms of direct overlooking (windows to windows) Block C maintains 21m separation and Block D maintains 34.5m separation. These interface distances, combined with the reduced scale of Block C, would not lead to an unacceptable impact to the amenities of future residents of the Persimmon scheme. In terms of impacts on property on River Street, the closest building is in excess of 44m but is clearly separated by Carlisle Bridge. In this regard the physical position and scale of the proposed buildings would not adversely affect existing or permitted residential development adjacent to the application site and is compliant with paragraph 17 of the NPPF and policy DM35 of the DM DPD.
- 7.58 Compatibility of the proposed (and permitted) residential development with commercial uses
The application was initially submitted with minimal information concerning the proposed commercial elements of the scheme. Officers raised concerns over this particularly in relation to consideration of town-centre uses out of town (as discussed above) but also in relation to the compatibility of commercial uses with the proposed and permitted residential development on the Luneside East site. As set out in the proposal section of this report, the applicant seeks planning permission for a range of commercial uses across 4 buildings. Block C does not propose any commercial space.
- 7.59 Block A proposes 653sq.m of commercial floor area at ground floor level comprising use classes A1 – A4, B1a and D2 (gymnasium) uses. A3 and A4 uses are most likely to generate potential conflicts with the residential development above and adjacent as there are 2 cluster flats located at ground floor level. This commercial space is intended to provide ancillary uses to the student accommodation and shall not be accessible to the wider public.
- 7.60 Block B proposes 453sq.m of commercial space ground floor level comprising use classes A1 – A4, B1a, D1 (Health clinic) and D2 (gymnasium) uses. This commercial space is intended to be for wider public use. Again, A3 and A4 uses are the uses most likely to generate potential conflicts with residential development directly above and in the immediate vicinity (Block C and the permitted Persimmon scheme). Block D proposes 491sq.m of commercial space occupying the same potential uses as Block B to wider public use also.
- 7.61 The applicant provided further supporting information in an attempt to address concerns over the compatibility of residential and commercial elements of the scheme. Subsequently, the applicant is willing to accept a series of planning conditions to ensure that the commercial uses can coexist alongside the residential development without there being any harm to the amenity of the area or its residents. These suggested conditions include:
- Maximum rating levels for external plant and machinery to be fixed;
 - Details of external plant to be submitted and agreed in writing;
 - Hours of operation for each commercial unit to be agreed;
 - Scheme for acoustic insulation of the proposed commercial uses; and,
 - Details of hours of operation of any external seating areas and scheme for noise reduction levels to be agreed.
- 7.62 Environmental Health recognise that there may be potential noise impacts on residential amenity arising from the commercial aspects of the proposed development and satisfactory mitigation measures will need to be put in place to ensure adequate protection from sound transmission between the residential and commercial aspects of the development proposal, including any environmental noise impacts (plant noise/delivery times etc). Environmental Health have confirmed in writing that such matters would be easily achievable and therefore conditions would be acceptable to this effect. Officers are in principle satisfied with the conditions suggested by the applicant, though question when some of the details should be agreed and would want to condition hours of deliveries and also details of any external amplified music systems. The exact wording of the conditions will be dealt with following the Members resolution and will be drafted in consultation with the developer. Ultimately, there has to be a careful balance reached between allowing flexibility for commercial uses and providing an acceptable level of residential amenity for future occupants of the site and the wider residential area. With these conditions, it is contended that the mixed-use nature of the development proposal would be compliant with paragraph 17 (core principles) and paragraph 123 (noise) of the NPPF, DM5 and DM35 of the DM DPD.

- 7.63 In terms of the general compatibility of the proposed student accommodation with existing and permitted family housing within the area, it is understandable that existing residents have concerns over the existing footfall of people walking St George's Quay (passed houses) at unsocial hours but this could occur with any form of housing. It is equally understandable that the perception of stereotypical student behaviour is a concern to local residents too. However, in the interests for place-making and developing a balanced community, a mix of housing types with commercial elements and open space too should be viewed positively. The land allocation endorses student accommodation as a suitable use and it equally contributes to our housing supply. Despite concerns in this regard, there is no policy justification to resist the proposal on this basis.
- 7.64 Standard of Student Accommodation
The schedule of accommodation is set out in the proposals section of this report. The development comprises a mix of cluster flats and studio apartments for student occupation. Policy DM46, Appendix D and F are relevant. These policies aim to ensure all proposals for student accommodation benefit from an acceptable level of residential amenity. In the case of the proposed cluster flats, the scheme provides a ratio of 5 bedrooms to 1 shared kitchen living space. All habitable rooms have an acceptable standard of outlook and natural light with access to internal refuge and laundry facilities at ground floor level. The proposed en-suite rooms all meet the space standards set out in the DM DPD. In the case of the studio apartments, again, all of these units benefit from adequate outlook and natural light and have access to refuge and laundry facilities at ground floor. The units are just shy of the minimum standard of 19 sq.m but overall given how the layout works with the proposed openings this would not lead to an unacceptable standard of living accommodation. The submission indicates that the scheme has been designed to accord with Lancaster University's accreditation scheme.
- 7.65 Blocks, B, C and D propose an accessible room on each floor, totally to 15 units of which 5 are accessible studio apartments. The scheme provides ample external amenity space including an external gym to the east of Block B. The commercial ground floor area to Block A is intended to serve the students only, along with accommodation within the Pump House, which is described as a Central Hub facility and can occupy A2, B1a or D1 (health clinic) uses. Given the internal arrangement of the Pump House it is envisaged that this could work well as a learning resource centre for the student accommodation, but this will ultimately depend on what commercial interest comes forward for this part of the scheme.
- 7.66 The applicant has had due regard to the proximity of the development with the adjacent railway line and the local highway network and has provided a noise and vibration assessment to assess the impacts and inform appropriate mitigation. The assessment sets out required glazing and ventilation specifications to certain elevations of the Blocks affected (those facing the road or railway line). Environmental Health are satisfied with the assessment of the relationship of the development with the railway line and highway in terms of noise and vibration impacts/mitigation, provided a condition is imposed for the required specifications to be implemented and retained thereafter. Overall, the standard of accommodation proposed is considered acceptable. The scheme will deliver high quality accommodation in a sustainable location complimented by ancillary commercial uses to support the local needs of the development and wider Luneside community.
- 7.67 Other Considerations
There is an objection on air quality grounds from Environmental Health. Given that the proposal is predominately for student accommodation (with comparably low car ownership) and the site is within a sustainable location with good access to alternative sustainable modes of travel, a refusal on the grounds that the development would impact the AQMA would not be justified, especially having regard to the previous outline consents and subsequent approval of residential development on the remaining part of Luneside East. It is acknowledged that electric charging points are proposed as part of the scheme, together with measures to encourage walking and cycling through a Travel Plan and physical measures on the ground.
- 7.68 The site has been subject to extensive remediation following the renewal of the original outline planning permission. It is agreed that standard contaminated land conditions should be imposed in relation to the footprint of the existing Mill. The Council's Contaminated Land Officer wants to extend this to land to the north of St Georges Quay where he understands some investigative work has been carried out but not to the extent of the wider site. The applicant is currently investigating the extent of previous work so as to understand whether the request by the Council's Contaminated Land Officer is necessary. A verbal update will be provided concerning the extent to which a full site investigation

is required. Notwithstanding this, with the imposition of these conditions, the development would be compliant with paragraph 121 of the NPPF which requires sites to be suitable for new uses taking account of ground conditions and hazards associated with former activities, including mitigation and remediation.

7.69 In order to ensure the site is developed in an appropriate manner and as comprehensively as possible, a condition of the planning permission should be to impose details of a phasing plan.

7.70 In relation to other issues, the proposal includes the provision of a sub-station. There are no details of this, although the landscape proposal shows its location. A condition will be required to ensure its position, design and enclosure is of an appropriate design. The proposed buildings include refuse storage internally with one external refuse area shown to the rear of Block C. There are no details of the external refuse compound. Details of this together with a refuse strategy (i.e. management and collection of refuse) should be conditioned in the interest of the amenity of the area.

8.0 Planning Obligations

8.1 As the proposal is for student accommodation there are no requirements for on-site or off-site contributions towards affordable housing. A condition controlling the occupation of the residential development to students will be required otherwise such contributions would be required. The same applies to education contributions.

8.2 The applicant is willing to contribute towards the provision of improved pedestrian links to Quay Meadow. A contribution of £19,000 to deliver a hard surfaced pedestrian footway from River Street, through the wooded part of Quay Meadow to the main recreational fields has been secured, including associated tree works and the provision of new benches and interpretation boards within Quay Meadow.

8.3 In addition, as the access and internal road serving the south element of the scheme is not included within the red edge, but has planning permission under the Persimmon scheme, the applicant is accepting of an undertaking for the developer of this scheme to provide the access and road if the Persimmon scheme is not implemented in advance of this development. The undertaking requires the developer to implement the road prior to the commencement of the development of Block C or the conversion of the Pump House.

9.0 Conclusions

9.1 This full application seeks permission for the remaining parcel of the Luneside East regeneration area. This residential-led mixed use development is considered compliant with the site's housing land allocation and its designation as a Regeneration Priority Area. Furthermore, the development of student accommodation will also positively contribute to the District's housing supply. NPPF Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of should not be considered up-to-date if the authority cannot demonstrate a 5 year housing land supply. The scheme is a different one from that which the council and external funding partners envisaged when the site was acquired a number of years ago. However this will not be a unique situation nationally as the severe economic downturn which began in 2008 will have rendered many regeneration proposals unviable and required local planning authorities and their development partners to be innovative and flexible in order to bring forward fresh proposals which try to achieve the key regeneration aims of earlier visions. Here in your officers opinion is such a scheme.

9.2 The presumption in favour of sustainable development means approving development proposals that accord with the Development Plan without delay; and where the development plan is out-of-date, grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the NPPF taken as a whole.

9.3 It is clear from the above considerations that in the whole the proposal is considered compliant with national and local planning policy. Similarly, the majority of potential adverse impacts can be suitably mitigated (flood risk, biodiversity, noise, contamination, etc). There are objections from the Conservation Officer and the Civic Society on heritage grounds, and the latter in terms of design, but it is contended that the impacts that have been identified are less than substantial and therefore

in accordance with paragraph 134 of the NPPF, this harm should be weighed against the public benefits of the proposal. The site is sustainably located and accessible to local services and amenities; involves the redevelopment of previously developed land; can be developed without incurring unacceptable flood risk/drainage problems; will not lead to adverse impacts to biodiversity and does not lead to severe highway impacts. It is contended that the only element of the scheme that has raised concerns is the scale of Block B, in particular its height and design, and its impact in short distance and direct views on the setting of the listed Castle and Priory. When considering the proposal against the policies in the NPPF taken as a whole, Members are recommended that the presumption in favour of development should apply and that the application should be supported.

Recommendation

That Planning Permission **BE GRANTED**, subject to signing of a legal agreement securing public open space contribution and the undertaking concerning the access and internal road serving the southern part of the development, and the following conditions:

1. 3 year Time Limit
2. Approved Plans List
3. Phasing Plan
4. Standard Demolition
5. Submission of Construction Environment Management Plan (CEMP)
6. Access details
7. Notwithstanding details a submitted scheme for off-site highway works to be delivered
8. Submission of car parking management strategy
9. Travel Plan
10. Details of all external materials & detailing (brickwork including mortar and pointing; junctions between approved materials; rainwater goods; roofing detailing; window and door details; curtain glazing details)
11. Drainage on separate systems
12. Full details of foul and surface water drainage scheme to be agreed
13. Maintenance and management plan of drainage scheme
14. Finished flood levels to be agreed
15. Scheme for the protection of noise transmission between residential and commercial spaces including acoustic insulation and details of plant and rating levels.
16. Construction Noise – pile driving
17. Site Investigation (confined to Mill and north side of St Georges Quay - TBC)
18. Importation of Soil, materials and hard-core
19. Development to be carried out in accordance with the Ecological Report – precautionary bat/bird surveys to be carried out before demolition. Scheme for mitigation to be included and agreed.
20. Tree Protection Measures
21. Sub-station details (position, appearance and enclosure details)
22. Restriction of operating hours and hours of use of external space for the commercial elements of the scheme.
23. Scheme for the management and maintenance of the public realm and landscaping areas, including the external gymnasium
24. Precise soft and hard landscaping details including schedule for re-use of stone to be submitted and agreed
25. Details of external lighting
26. Details of external refuse enclosure and refuse strategy to be agreed
27. Scheme for crime prevention measures including details of CCTV and access arrangement for the student accommodation including use of public realm under the arches.
28. Scheme for Odour Control (for any A3/A4) uses
29. Notwithstanding the details submitted, the location of the two electric charging bays to be agreed and shall be located outside the adopted highway
30. Development to be carried out in accordance with the FRA
31. Parking provision and cycle provision to be provided in accordance with approved layout drawing
32. Development to be carried out in accordance with glazing and ventilation specifications set out in Noise and Vibration Report
33. No amplified external music unless otherwise agreed with the LPA
34. Hours of Construction
35. Student Use condition
36. Commercial Uses (as applied for only) removing commercial PD
37. Commercial Space to Block A to remain ancillary to the student accommodation

38. No single operator to occupy the ground floor commercial space indicated on drawings for each Block
39. Maximum commercial unit size limited to 300sq.m
40. Removal of PD (Part 2 Minor Operations Class A) gates, fences and walls

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

In accordance with the above legislation, the City Council can confirm that it 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 taken 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