

<b>Agenda Item</b>	<b>Committee Date</b>	<b>Application Number</b>
A6	12 December 2016	16/00275/LB
<b>Application Site</b> 23 - 25 North Road Lancaster Lancashire LA1 1NS	<b>Proposal</b> Listed building application for internal and external alterations to facilitate the phased change of use and conversion of bar, nightclub and shop (A1/A4) to student accommodation comprising four 7-bed, two 8-bed and one 9-bed cluster flats (sui generis) one 3-bed and two 5-bed cluster flats, and 32 residential studios (C3) and gym area, erection of two 2-storey rear extensions and demolition of existing rear extensions	
<b>Name of Applicant</b> Bargh Estates & Cityblock Ltd	<b>Name of Agent</b> Mr Chris Bradshaw	
<b>Decision Target Date</b> Time extension agreed until 20 December 2016	<b>Reason For Delay</b> Addressing Officers' concerns on 16/00274/FUL	
<b>Case Officer</b>	Mr Mark Potts	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval (To be referred to the Secretary of State for consideration)	

## **1.0 The Site and its Surroundings**

- 1.1 The wider site, its surroundings and buildings are as described in the accompanying planning application, 16/00274/FUL, which also appears on this Planning Committee agenda.
- 1.2 The Waring and Gillows Showroom is a Grade II Listed building located within the Lancaster Conservation Area, built in 1882 of coarse dressed sandstone with ashlar dressing under a slate roof. The building possesses twin flue chimney stacks on either side of the entrance bays with an 18 bay façade in a free Elizabethan style with three storeys plus cellars and attics. In the interior this has been significantly modified for the nightclub use though the original staircase is still in-tact together with the original cast iron columns.

## **2.0 The Proposal**

- 2.1 Listed building consent is sought for works to the Gillows building for the change of use to provide 98 bedrooms consisting of a range of studio and cluster flats. Externally the works proposed include the removal of the two existing stair towers to the rear (with part removal to facilitate phase 1 – as noted within the Committee report for 16/00274/FUL Paragraph 2.2 of the report to Committee), replacement windows and roof, replacement of defective stonework, repair of rainwater goods, replacement roof light and sealing of basement vents. To facilitate the introduction of two glazed extensions to the rear there would need to be the removal of stone lintels, transoms, mullions and sills to allow for bedroom space to be extended.
- 2.2 Internally the scheme proposes to remove partitions, suspended ceilings, raised floors and floor finishes associated with the nightclub use, the provision of mezzanine floors at ground, first and second floors, removal of timber panelling beneath the main stair to facilitate the new rear entrance and insertion of new stairs to first and second floors. To the rear a new glazed access would be created.

### 3.0 Site History

Application Number	Proposal	Decision
16/00274/FUL	Phased change of use and conversion of bar, nightclub and shop (A1/A4) to student accommodation comprising four 7-bed, two 8-bed and one 9-bed cluster flats (sui generis), one 3-bed and two 5-bed cluster flats and 32 residential studios (C3) and gym area with associated internal and external alterations, erection of two 2-storey rear extensions, associated landscaping and car parking and Relevant Demolition of existing rear extensions	Pending decision
15/00878/PRETWO	Change of use from nightclub to student accommodation	Determined
97/01036/CU	Change use basement, part ground floor to Class A3 (Food & Drink), part 1st & 2nd floor to Night Club, & retain remainder of ground & 1st floor for Class A1 (Retail) use, including 2 external staircases & alterations to frontage	Approved

### 4.0 Consultation Responses

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

Consultee	Response
Historic England	No observations to make on the scheme (local guidance to apply).
Conservation Officer	<b>No Objection.</b> The development will be an enhancement and enable appreciation of the Grade II Listed building.
Victorian Society	<b>Objection</b> to the development on the basis that the heritage statement fails to comply with Para 128 of the NPPF. They also raise concerns with: <ul style="list-style-type: none"> <li>• Replacement of the windows with double glazed units;</li> <li>• Installation of the mezzanines throughout the building including the transom panel at first floor level; and</li> <li>• Inappropriate glazed elevations towards the rear.</li> </ul>
Civic Society	<b>No Objection</b> overall to the scheme, welcoming proposals to restore the building.
Ancient Monuments Society	No observations received within the statutory consultation period.
Society of the protection of ancient buildings	No observations received within the statutory consultation period.
Georgian Group	No observations received within the statutory consultation period.
The Council for British Archaeology	No observations received within the statutory consultation period.

### 5.0 Neighbour Representations

5.1 Whilst no letters have been received directly in relation to this Listed building application there have been **666** letters of representation received in response to the 16/00274/FUL application, of which **664** object to the proposal for the following reasons:

- Noise complaints will come from the students who will reside in the Gillows;
- Too close to the Sugarhouse Nightclub and will create unacceptable noise levels for occupiers; and
- Threaten the viability of the Sugarhouse and jeopardizing Lancaster's night-time economy.

**One** letter neither objects nor supports the proposals and has been received from Crown Furniture, who is the current tenant operating the Livingwoods furniture shop, expressing concerns with tenancy arrangements (which is not a planning consideration).

**One** letter of support has been received that the principle of the development is a good idea.

In addition to the above there have been **121** standard postcards received stating the following:

- Too close to the Sugarhouse Nightclub
- Threatening the viability of the Sugarhouse

## **6.0 Principal National and Development Plan Policies**

### **6.1 National Planning Policy Framework**

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (Paragraph 14). The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraphs 129, 131, 132 and 134 – Heritage and Conservation

### **6.2 Development Management DPD**

Policy DM30 – Development Affecting Listed Buildings  
Policy DM31 – Development affecting Conservation Areas  
Policy DM32 – The setting of Designated Heritage Assets  
Policy DM34 – Archaeology

## **7.0 Comment and Analysis**

7.0.1 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 s66(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"*. Paragraph 132 of the NPPF seeks to express the statutory presumption set out in S66(1) of the 1990 Act. How the presumption is applied is covered in the following paragraphs of the NPPF, though it is clear that the presumption is to avoid harm. The exercise is still one of planning judgment but it must be informed by the need to give special weight to the desirability to preserve the heritage asset.

### **7.1. External Alterations**

7.1.1 The proposed amendments to the façade fronting North Road consists of replacing the existing timber sash windows/later louvres with replacement steel casement windows with acoustic glazing in a yale grey colour with top hung casement opening lights. Whilst the windows do not look to replicate timber casings, the steel windows are considered appropriate, though a condition should be imposed requiring precise details, including a further cross section of the windows showing the relationship with the additional glazing required. The entrance which used to serve Mojos/Toast is proposed to be reinstated with the original window fenestration together with repairs to the building include re-roofing (with slate), patch repointing and stonework repair, and repairs to rainwater goods. All these works are considered acceptable and would help preserve the building.

7.1.2 To the rear elevation there would be significant change with the two external stair towers being removed to make way for two new glazed extensions. However, to facilitate this there would need to be alterations to the existing windows to create door openings from the proposed bedrooms into the new extension. The loss of original stone mullions, sills (and the wall beneath the sill) and transoms are considered harmful to the building. However, this does not amount to substantial harm. Whilst the glazed extensions are discussed in further detail within the application for

16/00274/FUL, it is deemed that they are considered to be complementary and innovative to the existing building.

## **7.2** Internal Alterations

7.2.1 As noted previously, the building has been heavily modified to be used as a nightclub and bar and the proposal involves a large degree of demolition of the later partitions/suspended ceilings. It is considered that the original building's fabric will be revealed by some of these removals (such as revealing the impressive stained glass window to the rear of the building). Mezzanine floors are proposed on the ground, first and second floor. Inevitably the new mezzanine floors will have some impact on the historic fabric and notably the transom panel that is proposed on the first floor mezzanine windows. This is proposed to be 110mm deep and on balance whilst there would be some harm created by the introduction of this panel it would not amount to substantial harm. The development would include partition walls to create studios and cluster flats, and therefore the openness of the building would be lost as a result of this development.

7.2.2 To facilitate access, the alteration works within the main entrance would involve the opening up of previously blocked openings, revealing mullioned windows within the rear wall. There will be a need to removal a limited amount of timber panelling beneath the main stairs. However, the applicant is amenable to relocating the panelling elsewhere within the building. This is seen as appropriate and could be conditioned as such. The cast iron columns and internal window surroundings will be retained as part of this development.

## **7.3** Overall Considerations

7.3.1 The Victorian Society has concerns regarding the quality of the supporting information, as they consider the applicant's heritage assessment fails to comply with the guidance contained within Paragraph 128 of the NPPF. No objection has been received from the Council's Conservation Officer (nor do they consider that the heritage statement fails to meet the requirements of Paragraph 128 of the NPPF). The Victorian Society raises concerns with the introduction of mezzanines, the transom panel at first floor mezzanine level and also the unjustified removal of a large amount of the historic fabric at the rear of the property, together with concerns regarding replacing the windows with double glazed units. The Council's Conservation Officer has no objections to the glazing aspect of this development, though there are two attractive stained glass windows on either side of the main entrance to the building and it is recommended that these remain as part of this proposal (to be addressed by means of planning condition). The points that the Victorian Society raises regarding the transom panel, introduction of mezzanines and the loss of fabric to the rear are all noted but none of these changes either on their own or cumulatively would amount to substantial harm. Lancashire Archaeological Advice Service have not commented on the proposal but in the interests of conserving heritage it is considered appropriate that a building recording is imposed by way of planning condition should Members determine to approve this application.

7.3.2 Given the objection from the Victorian Society (as they are one of the National Amenity Societies), and they maintain an objection against a planning application which recommends approval of certain works to a Grade II Listed building, it is considered that the Listed Building Consent application would require referral to the Secretary of State.

7.3.2 On balance whilst there would be harm to the rear of the building to facilitate the glazed links it is not considered that this would amount to substantial harm and it is considered the development would help to seek to preserve and enhance the Conservation Area in accordance with Policies DM30, DM31 and DM32 of the Development Management DPD. The less than substantial harm caused by the proposal is outweighed by the public benefits of the scheme, including finding a viable and sustainable use for the future of an important and impressive Listed building in the city centre.

## **8.0** Planning Obligations

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

## **9.0** Conclusions

9.1 The details contained within this Listed building application are acceptable and whilst there is a certain level of intervention proposed this would not lead to substantial harm. The Council's

Conservation Officer is supportive of the proposal, which will bring a significant Listed building back into use, restoring and conserving its historic fabric which will be beneficial to the Conservation Area. However, due to one of the National Amenity Societies (Victorian Society) objecting to the proposal, the application will need to be referred to the Secretary of State.

### **Recommendation**

That, subject to the referral to the Secretary of State resulting in no adverse response, Listed Building Consent **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale for Listed Building Consent
2. Works in accordance with approved plans
3. Building Recording
4. Details of external materials required:
  - New windows (colour and finish);
  - Front doors;
  - Rainwater goods;
  - Doors (colour and finish);
  - Conservation rooflights;
  - External vents and extraction;
  - Rear Glass façade materials, materials to be utilised for the lowering of the existing staircase;
  - New stone lintels, cills and details of lime putty for stone roof features; and
  - Retention of the stained glass windows adjacent to the main access door.
5. Details of external works required:
  - Stonework repairs, including sample of mortar/pointing;
  - Replacement roof;
  - Cross sections of windows and transoms;
  - Removal of the external metal cage (covering stained glass) – Holes to be made good;
  - Details of any cleaning method (including stone and stained glass windows); and
  - Surfacing materials for rear amenity space
6. Details of internal materials required:
  - New internal doors;
  - New staircases;
  - Transom panels; and
  - Mezzanine floors
7. Details of internal works required:
  - Works to staircase;
  - Schedule of repairs to decorative plasterwork;
  - Details of transom panel to mezzanine;
  - Details of structural steelwork required to create the mezzanine; and
  - Cast iron columns to be retained as detailed on plan

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

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

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

### **Background Papers**

None.