

Agenda Item A6	Committee Date 9 January 2017	Application Number 16/01156/LB
Application Site St Leonards House St Leonards Gate Lancaster Lancashire		Proposal Listed building application for the removal and reinstallation of the internal structure of the building, installation of a replacement roof to create additional living accommodation, recladding of existing rear stairwells, installation of replacement windows and doors to all elevations, insertion of partition walls to all floors, reinstate windows, removal of ground floor canopy and windows and installation of louvers to the rear elevation, installation of a window to the side elevation, rendering of walls to concrete framed building to facilitate the change of use of offices to student accommodation
Name of Applicant Mr Dan White		Name of Agent Mr Sean Hedley
Decision Target Date 10 November 2016		Reason For Delay Addressing issues on 16/01155/FUL
Case Officer		Mr Mark Potts
Departure		No
Summary of Recommendation		Approval (To be referred to the Secretary of State for consideration)

1.0 The Site and its Surroundings

- 1.1 The application proposes the change of use of St Leonards House (which is within the ownership of the City Council and is Grade II listed), and was initially a furniture factory (in connection with the Waring and Gillows showroom on North Road), then used by Lancaster University, the Adult College and more recently was utilised as City Council Offices. Whilst one building, it does have two distinct elements to it, consisting of the original building constructed in the 1880s, and a second element which is of a concrete frame built in around the 1920s. The 1880s element is of 4 storeys (on the St Leonards Gate elevation), of square coursed sandstone with a slate roof plus a clerestory attic storey of timber casement windows with glazing bars under the slate roof. The 1920's element is also of 4 storey construction (St Leonards Gate elevation) plus the clerestory attic and is of concrete construction with timber windows. Further detail is provided within 16/01155/FUL as to the sites immediate surroundings but the application site does fall within the Conservation Area.

2.0 The Proposal

- 2.1 The application seeks the conversion of St Leonards House to student accommodation. The scheme seeks to remove the internal structure of the 1880s building, which has been found to be insufficient to support a new use in its current condition and the insertion of a new internal structure (the existing outer walls will be retained). The scheme looks to remove the clerestory roof to both elements of the building and replace this with a wider curtainwall structure. There are two existing stair towers to the rear of the St Leonards House which are proposed to be re-cladded. The existing timber windows

are to be replaced with double glazed and secondary glazed windows within a wooden frame and partitions will be created internally to allow for the formation of the student bedrooms.

3.0 Site History

3.1 The relevant application is the planning application as noted below.

Application Number	Proposal	Decision
16/01155/FUL	Change of use of offices (B1) to student accommodation comprising of 80 studios, four 4-bed, seven 5-bed and eight 6-bed cluster flats (C3), student gym (D2) and ancillary communal facilities with associated internal demolition and alterations, installation of a replacement roof to create additional living accommodation and recladding of existing rear stairwells	Pending Decision

4.0 Consultation Responses

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

Consultee	Response
Historic England	Raise concerns regarding the level of intervention to the building. Assuming the viability statement is sound, whilst they consider that the level of harm caused would be regrettable, they would raise no objection.
Victorian Society	Objection to the development, as the implementation of the scheme would cause substantial and unjustified harm to a nationally important building, undermining its special interest to such an extent will jeopardise its Grade II listed designation.
Twentieth Century Society	Objection to the amendments to the 1920's element of the building with the as the new walls will break up the wide window bays and consider that the walls are altered to accommodate this change.
Lancaster Civic Society	Objection to the scheme although welcomes the re-use of the building however concerned regarding the loss of the clerestory level and would wish to see this rebuilt and reinstated.
Conservation Officer	Whilst not raising an objection does have concerns regarding the extent of the clerestory extension being the full width of the building and the alterations do district from the historic merit of the listed building. Consider that the recladding of the stair towers have the opportunity to minimise negative visual impacts of the towers. Conditions are suggested concerning details of windows, door cladding, roofing materials, rainwater goods and the location and re-use of the cast iron columns.
Society for the Protection of Ancient Buildings	No observations received within the statutory timescales.
Ancient Monuments Society	No observations received within the statutory timescales.
Council for British Archaeology	No observations received within the statutory timescales.
Georgian Society	No observations received within the statutory timescales.
Lancashire Archaeological Advisory Service	No objection however a condition should be imposed regarding a Level 3 building survey.

5.0 Neighbour Representations

5.1 The application has been advertised in the press, by site notice and adjoining properties/businesses consulted by letter. No objections have been received directly in relation to this application however in relation to application 16/01155/FUL there has been **534** letters of objection;

- Noise complaints will come from the students who will reside in the St Leonards House;
- Too close to the Sugarhouse Nightclub and will create unacceptable noise levels for occupiers;
- Threaten the viability of the Sugarhouse and jeopardizing Lancaster's night-time economy;
- People will no longer wish to study at Lancaster if the nightclub closes;
- Is further student accommodation actually needed;
- More needs to be done to protect the Sugarhouse from any complaints;
- Further assessments needs to occur.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Paragraph 12 and 14 – Presumption in favour of Sustainable Development

Paragraph 17 – Core Principles

Section 12 (paragraphs 128, 131 – 134) – Conserving and enhancing the historic environment

Paragraphs 196-198 – Determining planning applications

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its' Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This will enable progress to be made on the preparation of a Local Plan for the Lancaster District. It is envisaged that the public consultation will commence on 27 January 2017 and conclude on 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

SC5 – Quality in Design

6.4 Development Management DPD

DM30 – Development affecting Listed Buildings
DM31 – Development affecting Conservation Areas
DM32 – Setting of Designated Heritage Assets
DM34 – Archaeology
DM35 – Key Design Principles

6.5 Strategic Policies and Land Allocations DPD (Consultation 2017)

Policy EN3 – Lancaster Heritage Action Zone

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 principle facades facing St Leonards Gate and also the Sugarhouse nightclub include the replacement windows within a timber frame and secondary glazing is proposed between the window and the cavity which could be up to 500mm. This is considered to be appropriate, however conditions should be imposed requiring details of these to be submitted for approval, as a variety of different windows and styles are incorporated into the existing development, and this should include sectional detail given the need to mitigate noise from the Sugarhouse. The removal of the existing clerestory attic roof to both buildings is discussed in detail within the report to Committee for 16/01155/FUL and this is considered a weakness of the development however assuming glazing is controlled through the use of planning condition it is considered that this element of the scheme can be found acceptable. The existing stone gable on the 1880s element of the building is proposed to be lowered to facilitate the new curtainwall structure, and ensuring this is made good following the removal should be conditioned. The two existing stair towers to the rear of the building are proposed to be re-cladded, and with this brings some benefits, however it is unfortunate some glazing could not be added here. New windows via the opening up of the previously bricked up window openings to the north elevation to form new windows including a new window to the west elevation are considered acceptable and the removal of the modern doors to be replaced with aluminium doors is a contemporary approach that it is considered to work well. There will be some removal of windows, to be replaced with louvers to the north elevation, and as long as the details of these are agreed this is considered acceptable. On the 1920s element of the building it is proposed that this will be re-rendered in insulated render, and a former canopy to the rear elevation is proposed to be removed.

7.2 Internal Alterations

7.2.1 The largest change internally is the removal of the internal structure to the 1880s building, which has fallen into a state of disrepair and is considered to be insufficient to accommodate a new use, and in its place a new internal structure within the existing masonry is proposed. New partition walls to create the new rooms are proposed throughout the two sections of the building and this does include a glazed spandrel panel with a ceramic film applied to the inner sheet, this backing ensures that any parts of the building behind – such as the partition junctions cannot be viewed from the outside. The windows will still read as a single element, however the success of this will be down to the glazing proposed by the applicant, but critically the fenestration of the window would remain. Internally there are some existing cast iron columns which will be retained as part of the development, admittedly in a different location.

7.3 Overall Considerations

- 7.3.1 Historic England have raised concerns that they consider that the level of harm is high but not substantial harm and recommend that the Local Authority should review the applicant's viability statement this is reviewed further in the report to committee for 16/01155/FUL with the conclusion that a repair of the building is not viable and the structural replacement option which the applicant proposes is necessary to bring the building back into use.
- 7.3.2 The Victorian Society raises a strong objection but understands the need for the building to find a new use, however considers that they may be other possible uses for the building and that they consider that the scheme would amount to substantial harm which could lead to its listing being removed and that the application should be refused planning consent. The National Planning Practice Guide discusses that substantial harm is a high test and has to be based on the degree of harm to the assets significance rather than the scale of development that is to be assessed. It is important to note that neither Historic England, nor the Conservation Officer feels that the development amounts to substantial harm. The building has been vacant for a number of years and has been marketed however given the size and nature of the building there has been little appetite from developers. The scheme before members seeks to secure a long term future for the building, and bringing it back into re-use and therefore Officers are satisfied that even though there is high level of harm this is necessary to ensure that the building is brought back into use.
- 7.3.3 The 20th Century Society consider that the wide window bays will be broken up as a result of this application due to the layout of the development which will mean that where there is clear glazing this will be replaced by some form of reflective glass to screen the partition wall arrangements. This is particularly evident on the 1920s building of which the 20th Century Society have greater interest in. The concerns are noted, and Officers do consider that this is a weakness of the scheme, but the existing fenestration of the windows does still remain and assuming the correct finish of the glazing is chosen this could mitigate some of the impact as the windows will still remain, and many people have blinds shut or curtains drawn, but crucially the wide bay windows will still remain here.
- 7.3.4 The Civic Society express concern with the loss of the clerestory attic structure and this loss is echoed by the officers however it is considered that the proposal can work on the assumption that the correct glazing and use of roof, and fascia materials are controlled by means of planning condition.
- 7.3.5 Given the objection from the Victorian Society and 20th Century Society (as they are two 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 for consideration.
- 7.3.6 On balance it is considered that there will be a high level of harm caused to St Leonards House, however this would amount to less than substantial harm, and the applicant has evidenced through structural and viability evidence as to why the level of intervention is required. Should members resolve to approve this application it has been found that due to the state of the building it would be unviable to repair and therefore a structural replacement has to occur to allow the building to have a viable and sustainable use. Whilst concern has been raised by the Victorian Society in terms of the development potentially jeopardizing the buildings listed status, Officers are confident that the proposals have been designed as to be as sympathetic as possible given the need to mitigate against noise and that without this proposal it is highly likely that the building would deteriorate further and therefore this in itself has the potential to mean that the buildings listed status could be compromised. It is considered that the development would amount to less than substantial harm but this is outweighed by the public benefits associated with the scheme and it is considered that the development complies with Policy DM30, DM31, DM32 and DM34 of the Development Management DPD.

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 high degree of intervention proposed this would not lead to substantial harm (when viewed as a whole).

The Council's Conservation Officer has concerns over the proposal however critically does not object and this proposal will bring a significant listed building back into use, restoring and conserving its historic fabric which will help preserve the Conservation Area. However, due to two of the National Amenity Societies (Victorian Society and 20th Century Society) objecting to the proposal and because this is substantial demolition of a local authority-owned property, the application will need to be referred to the Secretary of State.

Recommendation

That subject to referral to the Secretary of State, Listed Building Consent **BE GRANTED** subject to the following conditions:

1. Three-year time limits
2. Development in accordance with plans
3. Window Detail (material, colour and finish), details of the cladding to the stair towers (including a sample), detail of the replacement roofing material and materials for the attic glazing structure (including sample), rainwater goods, stonework to be made good were needed,
4. Location and re-use of cast iron columns
5. Building recording condition

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.

Background Papers

None