

<b>Agenda Item</b> A7	<b>Committee Date</b> 9 January 2017	<b>Application Number</b> 16/01084/FUL
<b>Application Site</b>  Land adjacent to Bulk Road Lancaster Lancashire		<b>Proposal</b>  Erection of eight buildings up to eleven storeys in height to create student accommodation comprising 125 studios (C3), 50 cluster flats (C3/sui generis), 19 shared townhouses (sui generis), with ancillary communal facilities, study library (D1), gymnasium (D2), new vehicular and pedestrian accesses, car parking, servicing bays, public realm and landscaping
<b>Name of Applicant</b>  Mr Alex Knapp		<b>Name of Agent</b>  Mr Mike Harris
<b>Decision Target Date</b>  6 December 2016 (Time Extension Agreed until 12 January 2017)		<b>Reason For Delay</b>  Amended plans and resolving air quality, design and highway issues
<b>Case Officer</b>		Mr Mark Potts
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approval (Subject to the resolution with respect to Air Quality)

**(i) Procedural Note**

A site visit was arranged for Elected Members, and was undertaken on 7<sup>th</sup> November 2016. There has been a subsequent delay in the report being drafted due to ongoing discussions taking place with all relevant parties/consultees, and to enable the applicant to seek to address issues of air quality, design and highways.

**1.0 The Site and its Surroundings**

- 1.1 The development site is located to the north of Lancaster City Centre located between Back Caton Road and Bulk Road, and the site area is in the region of 0.89 hectares. The site is currently scrubland, and has formally accommodated the K-Shoes factory and a vehicle dismantler, however has been derelict for the last 20 years. To the west of the site lies Back Caton Road with industrial development beyond this in the form of a car wash, carpet shop and laundry cleaning business, together with Kingsway Retail Park. To the far north of the site lies residential properties and beyond this is the former bus depot apartment block (8 storeys in height), and properties on Bulk Road and Gladstone Terrace are located to the west of the proposal. To the south lies Bulk Road beyond which is the former Crown Inn on St Leonards Gate, adjacent to this is St Leonards Court (retirement apartments) and Britten Hall, and a computer shop. Parliament Street Retail Park is located to the south.
- 1.2 The site is somewhat of an island positioned between two highways. The southern half of the site is a 60 metre urban block width being around 120 metres in length, and the northern part of the site is a narrow strip of around 22 metres in width and 90 metres in length. It is bound by an alleyway to the rear of the existing two storey terraced properties on Bulk Road. The site has challenging topography, and rises steeply from east to west with the highest part of the site being approximately 13.5m Above Ordnance Datum (AOD) and the low point (running adjacent to Caton Road) is 7m

AOD. The existing boundary is characterised by a tall, stone-built retaining structure predominately of grit-stone.

- 1.3 The sites south eastern corner and a small sliver of the western boundary falls within Flood Zone 2 and 3, and the development falls within the Lancaster Air Quality Management Area. There are a group of trees subject to a Tree Preservation Order on the far northern aspect of the site under Order 387 (2006), which relates to the trees within the embankment. There is a scattering of self-seeded trees and vegetation which has regenerated naturally.
- 1.4 There are no Listed Buildings or Scheduled Ancient Monuments located within the development site and the development does not fall within the Conservation Area, 38-42 Parliament Street are located 60 metres to the west of the proposal and are Grade II\* listed, and Skerton Bridge which is Grade II\* and a Scheduled Ancient Monument located 100 metres to the west of the proposal. The nearest Grade II listed building is the Crown Inn on St Leonards Gate (10m to the south of the site). The Lancaster Conservation Area is located 60m to the south of the proposal and Gladstone Terrace, Ridge Street, Green Street, Hinde Street and Albion Street are all locally designated heritage assets.
- 1.5 There is a Public Right of Way in terms of Footpath 25 which enters the site from the west, and this is likely to have been associated with the previous use as a shoe factory as it does not lead to the other side of Bulk Road. The River Lune Biological Heritage Site is located to the west of the proposed development being located 170 metres away and the Morecambe Bay RAMSAR, Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) is located 2.5km away.

## **2.0 The Proposal**

- 2.1 The development is significant in terms of scale, seeking to provide 630 student bed spaces across eight new purpose-built structures which are arranged around a series of linked external courtyard spaces. If approved, the applicant has a desire for the accommodation to be provided by September 2018, with a start of site in the Spring 2017. The below sets out the scheme as proposed.

### **2.2 Block A (The Entrance Block)**

- 2.2.1 This consists of an eleven-storey tower sited on the southern edge of the site to a maximum height of 44.150m AOD, 30m in length and 23m deep under a flat roof. The building is proposed to have a curved totem to the south side, and the west and east sides will meet the northern façade at right angles with a glazed slightly recessed predominately glazed lantern sited on the top of the block which is proposed to be a communal lounge with a bookable kitchen and dining facilities. The lower ground floor would consist of a plant room and bin store, with the upper ground floor accommodating a study library, storage and staff office, and student accommodation. Above this contains eight floors of student accommodation predominately accommodating studios consisting of standard studios (102), city view studios (36) and also premium en-suite cluster flats together with 10 premium duplex penthouse studios. The loft will feature on the uppermost floor being a communal lounge for residents within Block A and also feature pre-bookable dining areas.
- 2.2.2 The tower block would be constructed in smooth, dressed local stone framing with a coarse textured rubble-wall infill, with horizontal banding to break the vertical emphasis of the façade. The windows and doors would be PPC aluminium windows and doors in grey. Block A connects to the hub which is used as a reception point in the development and allow safe passage through to the courtyard and also a gym, visual media room and terrace and would be constructed predominately in brickwork.

### **2.3 Block B**

- 2.3.1 This consists of a more regular rectangular block that is up to seven storeys in height and would be sited adjacent to Back Caton Road, 50m in length and 21m in depth. Accommodation would be provided on all floors (but with plant and laundry room on the lower ground floor) and would consist of what the applicants refer to as 5 + 5 en-suite cluster bedrooms (which offer a combined dining and living area but their own kitchen), together with up to 8 bedroom cluster flats, this block provides a total of 167 bedrooms. This block would be constructed in predominately brickwork with an element of rubble-stone with window openings to be dark grey aluminium framed windows and a vertical side panel detail in cladding or metal louvres.

## 2.4 Block C

- 2.4.1 Block C1 and C2 is three storeys to the Bulk Road elevation and 4 storeys when viewed from the central courtyard and from the south on the junction of St Leonards Gate and Bulk Road (58m in length and up to 20m in depth), providing 113 bedrooms. The elevation treatment of the southern view would be a combination of brickwork, dress stone cladding and rubble stone, when viewed from Bulk Road predominately brickwork with some elements of recessed cladding around the windows and this is the same when this block would be viewed internally from within the courtyard.
- 2.4.2 Block C3 is made up of predominately brickwork but will include recessed cladding panels namely around the windows, three storeys in height adjacent to Bulk Road and 4 storeys when viewed from the courtyard (21m in length and 14m in depth) and provide for 40 bedrooms. Mansards are proposed to the end of this block and is proposed to be constricted in standing seam metal panels. The ground floor would be living, dining and kitchens with the first- third floors consisting of bedrooms above.

## 2.5 Block D

- 2.5.1 Block D1 is four storeys in height (31m long and 15m wide) and would provide 41 bedrooms; D2 (the end block to D1) is 5 storeys in height (45 metres in length and 15 metres deep) and proposes 42 bedrooms, materials are proposed to be brickwork with recessed cladding around the windows, however the studio lofts on the on the top floor would be constructed in standing seam panels. D1 includes a top floor of studios formed in metal cladding. Block D3 is three storeys in height (31m in length and 8m in depth) and would provide 24 bedrooms and would contain a series of pitches roofs. Materials are the same as what has been proposed on the other blocks in Block D and includes stone staircase gables facing Back Caton Road, D4 is a maximum of 5 storeys consisting of a mixture of brickwork and course rubble stone being 14m in length and 21m in depth providing 40 bedrooms.
- 2.5.2 In addition to the above the scheme proposes to a link public route that would look to cross the site and run between Blocks C2 and C3 and would leave the site between Blocks D1 and Block B with a small internal bridge proposed which the public access route would run under, together a new vehicular access off Bulk Road, a service pull in area off Bulk Road, one off Caton Road and to the south of Block A, together with a new entrance plaza. The scheme proposes three courtyards in the form of the Courtyard (the largest and in between Blocks A, B, C1 and C2). The Sidings between Block C3 and D1 and lastly the Goods Yard which is to the east of Block D3.
- 2.5.3 A new footway adjacent to Caton Road is proposed together with cycle storage for 390 cycles with a total of 9 car parking spaces (for employees), retaining walls are proposed which would be wrap around the site (apart from around Block A and C1), and beyond the retaining walls is proposed a new footway for residents of the development.

## 3.0 Site History

- 3.1 The application site has been the subject of a number of planning application submissions as can be noted below.

Application Number	Proposal	Decision
15/01622/PRETWO	Erection of a student village	Advice Provided
15/00797/FUL	The erection of a student village to cater for 474 bedrooms over four building units, external public realm space and undercroft car park with 47 spaces.	Application never validated
08/00874/OUT	Erection of a mixed use development comprising offices, hotel, retail and ancillary facilities with associated access, parking, servicing and landscaping	Withdrawn (applicant failed to sign Section 106 Agreement)
07/01615/FUL	Reduction of ground levels in association with redevelopment of the site approved under application no. 06/01134/FUL	Approved

06/01134/FUL	Mixed use development comprising of a hotel, residential apartments, associated car parking, landscaping and engineering operations	Approved
97/00893/OUT	Outline application to demolish vacant factory unit and erect 18 two/three bedroom houses	Approved

#### **4.0 Consultation Responses**

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

Consultee	Response
<b>County Highways</b>	<p>Initial concerns were raised with respect to footway improvements; further details required regarding the pedestrian link across the site and the delivery/service apron; the sightlines were compromised due to the location of the access; a request for the bus stop to be upgraded; pedestrian crossings to be subject of a Stage 1 Safety Audit; and pedestrian access was a concern along St Leonards Gate to the city centre due to restrictive width of footway and speed of vehicles.</p> <p>A meeting between the County Council and the developers took place in November 2016 to discuss these matters. Amended plans have been provided by the applicant on 15<sup>th</sup> December 2016 following the meeting.</p> <p>County have since responded and have raise <b>no objection</b> subject to the developer entering into a Section 106 agreement for Travel Planning and securing £24,000. Conditions are suggested concerning; Wheel cleaning; Scheme for the construction of off-site highway works; Construction Traffic Management Plan; and Interim Travel Plan.</p>
<b>Historic England</b>	<b>No observations</b> to make on the proposed development and recommend that local guidance applies.
<b>Twentieth Century Society</b>	No observations received within the statutory timescales
<b>Ancient Monuments Society</b>	No observations received within the statutory timescales
<b>Georgian Society</b>	<b>No comments</b> to make on the application.
<b>The Council for British Archelogy</b>	No observations received within the statutory timescales.
<b>Conservation Section</b>	<b>No objection</b> , however raises concerns with respect to the height and scale of the tower and the impact that this will have on the setting of the Grade II* Toll House and Skerton Bridge, and the wider historic townscape of the city. Supports the other aspects of the development and the use of the materials that are proposed but recommends conditions on building materials.
<b>Lancaster Civic Society</b>	<b>No objection</b> , welcomes the proposals on the basis high quality materials are used. Do raise concerns however with the density of the scheme, the drop-off arrangements at the beginning and end of term time and also concerns about the number of applications for student accommodation within the City Centre.
<b>Places Matter (Design Review)</b>	Remain supportive of the concept of development and consider that the scale, mass and height of the proposals is acceptable. Have, however raised concerns with respect to the height of the Tower Block and consider a pure form building may be more appropriate; together with ensuring that pedestrian movement is adequately planned for; together with issues over the sustainability of the scheme and ensuring high quality landscaping is delivered.
<b>Lancashire Archaeological Advisory Service</b>	<b>No objection</b> recommend a condition associated with an archaeological investigation.
<b>Lead Local Flood Authority</b>	<b>No objection</b> , recommend conditions associated with the provision of a surface water drainage scheme, maintenance and management plans.
<b>Environment Agency</b>	<b>No comments</b> to make.

<b>Planning Policy (Lancaster City Council)</b>	Recommend that consideration is given towards air quality, landscape and heritage, accessibility and design.
<b>Ramblers Association</b>	No observations received within the required timescales
<b>RSPB</b>	No observations received within the required timescales
<b>Tree Protection Officer</b>	<b>No Objection</b> assuming the development is carried out in accordance with the AIA and a scheme for landscaping to be agreed in writing.
<b>Canal and River Trust</b>	No comments to make on the application
<b>Contaminated Land Officer</b>	<b>No objection</b> , but given the brief nature of the report requires conditions covering contaminated land.
<b>Natural England</b>	<b>No objection.</b>
<b>Greater Manchester Ecology Unit</b>	<b>No objection</b> , however consider that Japanese knotweed shall be controlled on the site, no vegetation clearance during bird nesting period and promotion of a high quality landscaping scheme.
<b>Environmental Health (Air Quality)</b>	<b>Objected</b> to the proposal on the basis of inadequate information to fully assess the implications. An amended Air Quality Assessment was received in December 2016 and there are still concerns - there are discussions ongoing between the applicant's air quality specialist and the Council's EHO.
<b>Environmental Health (Noise)</b>	<b>No objection</b> and proposes conditions associated with hours of construction, dust control noise control method should pile driving be undertaken and requests a condition for glazing is agreed.
<b>County Strategic Planning</b>	No observations received within the required timescales
<b>Lancashire Constabulary</b>	Comment that secured by design should be included as part of the development proposals as well as physical security, access control and CCTV.
<b>Lancashire Fire and Rescue</b>	No objection however alerts the applicant's attention towards the need to comply with building regulations.
<b>Lancaster University</b>	<b>No objection</b> and considers the scale of this development is a sensible way to deliver the strategic approach of the delivery of student accommodation, the scheme offers high quality design and will improve the immediate and wider area and this site has the capacity to act as a catalyst to the regeneration of the area.
<b>University of Cumbria</b>	No observations received within the required timescales
<b>Tree Protection Officer</b>	<b>No objection</b> subject to a landscaping scheme and the development to be carried out in accordance with the submitted
<b>United Utilities</b>	<b>No objection</b> , development to be undertaken in accordance with the FRA and a surface water management scheme to be agreed.
<b>Victorian Society</b>	No observations received within the required timescales
<b>County Archaeologist</b>	<b>No objection</b> , recommends a condition associated with archaeological investigation.
<b>Public Realm Officer</b>	No observations received within the required timescales
<b>Strategic Housing Officer</b>	Overall supportive of the proposal however has some reservations regarding sizes of the studio accommodation, the ratio of unit to kitchens, natural light concerns on Block D3 and separation distances.
<b>City Council Engineer</b>	<b>Recommendations</b> to include increasing the opportunities for cycling and provision of crossing facilities
<b>City Council (Parking)</b>	<b>No objection</b> however the occupiers will not be eligible for residents parking permits.

## 5.0 Neighbour Representations

5.1 The application was advertised in the press, by site notices and adjoining residents notified by letter.

At the time of writing there has been **five** letters of objection received; The reasons for objecting include;

- The Tower Block is too high and out of keeping with Lancaster which would be overbearing to adjacent residential properties and also block light to surrounding homes;
- Block A should be reduced in height to match Block C;

- Loss of privacy and light associated with Block C;
- Noise Pollution and amenity concerns;
- Concerns regarding the internal standard and size of the accommodation.

**Two pieces** of correspondence (from the same person) have been received neither objecting or supporting the scheme for the reasons contained below;

- Sympathetic to the surrounding and the historic architecture of the city but the development should be limited to eight storey to ensure it blends in with the surroundings and should also include affordable housing.

## **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 1 (paragraph 18 – 22) – Building a strong, competitive economy

Paragraph 28 – Supporting the rural economy

Section 4 (Paragraphs 29 – 41) – Promoting sustainable transport

Paragraphs 56, 58, 61, 64 – Good Design

Paragraph 69 – Promoting healthy communities

Paragraph 123 - Noise

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

Paragraphs 188-190 – Pre-application engagement

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 Local Plan 2008**

H3 – Housing Opportunity Site

6.4 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development  
SC2- Urban Concentration  
SC5 – Design Quality  
SC6- Crime and Community Safety  
ER2 – Regeneration Priority Areas  
E1 – Environmental Capital  
E2 – Transport

6.5 Development Management Development Plan Document (DM DPD)

DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking & cycling  
DM22 – Vehicle Parking Provision  
DM23 – Transport Efficient and Travel Plans  
DM30 – Development affected Listed Buildings  
DM31 – Development affecting Conservation Areas  
DM32 – Setting of Designated Heritage Assets  
DM35 – Key Design Principles  
DM36 – Sustainable Design  
DM37 - Air Quality  
DM38 – Development and Flood Risk  
DM39 – Surface Water Run-Off and Sustainable Drainage  
DM40 – Protecting Water Resources  
DM46 – Accommodation for Students  
Appendix B – Car Parking Standards  
Appendix D – Purpose Built and Converted Shared Accommodation  
Appendix F- Studio Accommodation

6.6 Strategic Policies and Land Allocations DPD (Consultation January 2017)

DOS1 – Land at Bulk Road and Lawsons Quay

6.7 Other Material Considerations

- Historic England – Tall Buildings Advice Note 4

**7.0 Comment and Analysis**

7.0.1 The main considerations with the application are as follows;

- Principle of Development;
- Design;
- Heritage and Townscape;
- Highways;
- Flood Risk and Drainage;
- Noise;
- Air Quality;
- Ecology;
- Landscaping;
- Public Consultation

7.1 Principle of Development

7.1.1 The site remains derelict and on the key gateway into the city centre. The use of the application site for student accommodation is acceptable in principle. Whilst sited on the northern periphery of the city centre it is deemed a sustainable location and is close to local services and facilities, and a number of the existing properties on Bulk Road and Gladstone Terrace are occupied by students. Whilst not on a direct bus route it is only a short walk to Lancaster Bus Station and other bus stops

within the immediate locale such as on Parliament Street and North Road. Student numbers in Lancaster have shown an increase over recent years (particularly from international students) with an anticipated increase of 4,000 new students by 2025. While development at Lancaster University has increased the capacity to house students on campus, accommodation off campus continues to be operationally important in order to ensure all first year students can be offered accommodation on campus at the start of their course. The need for student accommodation in the city centre is identified within the Development Management DPD and Policy DM46 sets out criteria by which proposals will be assessed, such as ensuring appropriate living conditions, occupancy conditions, development that is sympathetic to heritage assets and satisfies all relevant planning policies. The local authority are supportive of student accommodation within the City Centre; students make a positive and valuable contribution to the mix of uses within the city. Furthermore it is considered that the development of purpose-built student accommodation provides an opportunity to seek to return some of the traditional housing stock (including areas of Primrose, Bowerham and Greaves) back to the residential open market, hopefully providing much-needed affordable accommodation for first time buyers.

- 7.1.2 The Emerging Strategic Policies & Land Allocations DPD confirms (via Policy DOS1) that the Council would support a commercial-led regeneration scheme for the site where proposals seek to complement the ongoing regeneration of the Canal Corridor North Site and proposals for residential apartments (including student accommodation) will be supported where the scheme is in accordance with the relevant policies in the Development Plan. Planning permissions have been granted for such uses; however development has never materialised.
- 7.1.3 Policy DOS1, whilst having limited weight, caveats the support for regeneration of the site to ensure that any proposals; (i) do not have an adverse impact upon traffic movements; (ii) employment or commercial uses do not lead to loss of amenity to amenity on Bulk Road (iii) protect residential amenity; and (iii) generate appropriate linkages from the site to the city centre to promote cycling and walking and (v) be acceptable in terms of heritage.
- 7.1.4 Members will be aware that concerns have been raised by Lancaster University with respect to other student accommodation schemes within the city centre, notably application 16/00274/FUL at the Gillows, and 16/01155/FUL at St Leonards House. However the University have assessed the Bulk Road proposal and advocate that large scale development such as this is an appropriate way to deliver desirable student accommodation, and that the success of the University depends not only on its educational and research offer, but also on the attractiveness of the city to staff and students. They consider that the scheme could have long term positive impacts for the city beyond that of providing more accommodation. This is a welcomed, and the applicant has engaged with Lancaster University throughout the design and application process.
- 7.2 Design
- 7.2.1 This is a complex development proposal, comprising eight blocks of bespoke student accommodation. Whilst on the fringes of the city centre it is still a very prominent position surrounded by a mix of semi-industrial and commercial uses, and residential terraced properties. The site is in close proximity to the Lancaster Conservation Area and inevitably given the scale of the proposal will be visible from within it (especially the northern parts of it). The complex topography has presented significant design challenges and this has been the subject of considerable debate at the pre-application and application stage. The scheme before Members is considered to represent an acceptable design overall and will enhance this part of Lancaster (notwithstanding the other issues discussed in the report).
- 7.2.2 It is fair to suggest that the design of the proposed scheme has both positive and negative aspects, and this is not unusual for a large-scale development. The broad design concept for the site, including trying to establish its own identity and the use of distinctive buildings, is welcomed by officers, as some of the previous iterations of the scheme were considered to be quite homogenous. A major positive is that the scheme has the potential to embody high quality public realm. The applicant has sought hard to try and make the proposal more akin to existing development in Lancaster, however this is inevitably going to be a difficult task given the height of the proposals are far in excess what would be considered the norm in the city.
- 7.2.3 The site has been derelict for a number of years, and there has been many planning applications (over the last twenty years) which have never materialised, including a housing scheme in 1997 for



18 houses where outline consent was granted but never implemented. The most relevant permission relates to a permission from 2006 (Ref: 06/01134/FUL) which was for a mixed use scheme consisting of a hotel and residential apartments, again which never materialised. In 2008 (Ref: 08/00874/OUT) an application was submitted consisting of a similar scheme of a hotel, retail unit, a seven-story tower building and other office buildings, but the scheme was eventually withdrawn (it was recommended for approval but the Section 106 Agreement was never signed). During that application, it was clear that the principle of a tall landmark building at the southern end of this site could be found acceptable.

7.2.4 Block A is the tallest element of the scheme measuring 37m in height (to put that in context, the adjacent slim, chimney stack at Sunlight Laundry it is understood to be 30.5m in height). The tower is the centrepiece of the proposed development and the applicant has strived to design something that creates a sense of elegance and act as a landmark feature. The semi-circular façade anchors the development at the southern portion of the site, and the applicant has sought to respond to officer concerns by ensuring that there are active frontages are on all four facades. The lantern element has been taken from the clerestory roof on St Leonards House and it is considered that this element has the capacity to work well here (despite the reservations raised by Places Matter), whilst the recess and roof overhang add interest. The scheme initially proposed a façade motif on the northern elevation but it was considered that this added unnecessary bulk and weight to the scheme and amended plans/visualisations were received on 15<sup>th</sup> December to reflect these changes. Officers do have concerns with the height (and to a lesser extent the bulk when viewed from the east and west) and this has been a common theme during pre-application discussions. Places Matter state that from a scale, mass and height perspective the proposals can be found acceptable. Places Matter do consider a structure with a more pure form (i.e. circular) is needed, and the applicant has examined this suggestion but concluded that the proposed design offers the best solution for this end of the site. Design is always going to engender different reactions; some may see the tower as a positive contemporary addition to the Lancaster skyline whereas others will consider a tall structure to be an incongruous addition. Officers consider that the tower is not entirely “elegant” as advocated by the applicant, and perhaps a more pure, circular form could have achieved this. But it does represent high quality design, and that perhaps explains why this very prominent proposal has elicited so few objections (including none from the statutory consultees). The horizontal banding, which breaks the vertical emphasis of the façade assists in creating something quite distinctive for the two storey window opening, and on balance it is recommended that the tower’s height, scale and mass is acceptable.

7.2.5 Block B is quite uniform and is a sizeable mass of a building although the block end characterised by the centrepiece adds some interest and is considered to work, its height has been informed by the continuous rising of the development southwards. Block C1-C3 are considered to work well, their scale and design, whilst quite simplistic, is appropriate to the adjacent properties on Gladstone Terrace and also whilst does not replicate the street scene it does work well in terms of heights. The mansards within Block C3 use standing seam metal panels and is an appropriate contemporary response to redeveloping this residentially-sensitive part of the site.

7.2.6 Block D1 and D2 steps down in height from the adjacent Block B and the studio lofts to the top of Block D1 will create a series of pitched roofs. Block D3 and D4 finish off the elevation on Back Caton Road and the use of the stone gable staircases work well on Block D3 in terms of breaking the mass. Additionally the staggered windows add some interest here which was lacking in the pre-application submissions. Overall when the built form is taken as a whole, there are elements which work very well, and some less so, however overall officers are supportive of the scheme, and keen to encourage the design option that has been chosen. It is considered that the site has the capacity to accommodate this level of development (accepting this is not characteristic of the current scale of development in Lancaster), and whilst some may consider that the scale and massing is overly-dominant, this is considered to be preferable to a more squat development. In Officers’ opinions it would be difficult to substantiate a reason for refusal based on design, especially given the significant design review and pre-consultation process that the applicant has participated in, and the subsequent comments from Places Matter.

### Materials

7.2.7 The tower block will be predominately faced in dressed stone and rubble, and also on some of the smaller blocks (the centrepieces at the ends of Block B and C). Rubble stone that is roughly coursed will be used as the main walling element of the taller end of Block B and the staircase gables in

Block D3. The vast majority of the materials to be used however will be a buff-coloured brick (and the applicant has provided illustrations from other schemes whereby this has been used). Given the quantum of development, a scheme using one material could appear too dominant and heavy, and there is definitely merit in the more prominent parts of the development being in stone and rubble. Internally within the courtyard it is considered that the buff brick has the potential to work well although there are some concerns that on the principal elevations (such as Blocks C2 and C3 fronting Bulk Road) these do not necessarily relate very well to the adjacent terraced properties on Gladstone Terrace or those on Bulk Road. It is considered that there is also more potential for the use of dressed and rubble stone along the Back Caton and Bulk Road frontage. The use of buff-brick is not a material used within the centre of Lancaster, and the Civic Society have made this point in their comments. Officers consider that with a high quality brick, it has the capacity to work effectively here providing that further stone is incorporated into some of the principal elevations (to be addressed by means of condition).

- 7.2.8 There is an existing retaining wall at Bulk Road and this will support Block C2 and at its highest point will be 3m (towards the southern end of the rising reducing in scale towards the north). As part of the development it is highly likely that the existing retaining walls will be removed to facilitate the development. The applicants would look to re-use the stone as part of the rebuild of the walls. Along Back Caton Road there would be a mix of rubble stone and brickwork used to face the new retaining structures. There is also the unsightly piled retaining structure which can be viewed from Back Caton Road. The exposed face of the structure is discoloured concrete and this structure retains the alleyway to the rear of a number of the terraced properties on Bulk Road. This structure needs to remain, but does need to be visually softened, and should be faced in wire climbing frame to create a living wall which will be of benefit to this element of the scheme (controlled via planning condition).

### 7.3 Outlook and Amenity Considerations

- 7.3.1 The outlook for many of the existing nearby properties will change, as they overlook a vacant site, with residents in Gladstone Terrace experiencing views across to Lancaster Castle and the Priory. A change in outlook however is not in itself harmful in planning terms, and with an increase in activity with students coming and going this may assist in the perception of security in the immediate area, especially after dark. The changes to the public realm could lead to improvements for the amenity of local residents (notably the proposed public access route through the site). Policy DM35 states that when habitable windows face one-another there should be 21m between them and when habitable windows face onto a blank gable this should be 12m. Block C2 is at its lowest point in the region of 16.9m from window to window to Gladstone Terrace. The development does however follow the building line of the former structure here (the former K Shoes factory). Whilst not in accordance with adopted policy, given the city centre location, the former use of the site and the intervening highway, it is considered that circumstances do exist for a relaxation of the requirements. Block D4 is made up of a blank gable which faces the rear gardens of properties on Bulk Road, and whilst under the 12m guidance (10m as proposed) given the similar heights would be quite similar it is not considered that the proposed development would be so dominating as to warrant a refusal in terms of impact upon the existing dwellings. Outlook for residents on Gladstone Terrace and those on Bulk Road will change considerably, and although the loss of a view is not a planning consideration, the loss of outlook is. The outlook for nearby residents will become more enclosed due to the height of the buildings proposed. This is a major development, and whilst there has been some public interest only 5 letters of objection have been received despite a relatively extensive consultation process. Given the urban location it is considered at worst that a slightly adverse effect will arise in terms of loss of outlook. For many however they may consider the development of modern high quality buildings to improve the site's aesthetic value.
- 7.3.2 Internally the scheme does predominantly seek to provide the required separation distances between habitable windows and affords an adequate level of outlook and access to natural light, however there are instances where this is not met (blank gable ends of Block D3, Blocks D2 and D4 and between Block A and Block B). Where this is the case the outlook arrangements would not be sufficiently affected to compromise privacy or amenity due to the orientation of buildings, and it would not warrant refusal of this scheme when taken as a whole and the regeneration benefits that this scheme will deliver.
- 7.3.3 Naturally given the scale and massing of the development and clustered nature of the built form, officers do have concerns regarding the development causing shadowing and therefore restricting the availability of natural light. The applicant has submitted a Shadow Study as they understand that

this is likely to be a concern of those residing on Bulk Road and Gladstone Terrace. This has been modelled on the month of June and demonstrates that the development is likely to cast shadows from 16:00 onwards with Gladstone Terrace being worst affected. It is important to note that whilst the modelling has been predicted during June, in the winter the shadows would be cast for a further distance given the lower level of the sun (albeit for much shorter times during the day). However on balance it is considered that the development would not lead to overshadowing to an unacceptable extent.

- 7.3.4 The scheme proposes a mixture of studio apartments (125 bedrooms), cluster-flats (321 bedrooms) and shared houses (184 bedrooms). For Blocks C2, C3, D3 and D4 these are shared houses with between 8-10 bedrooms using shared bathroom facilities (on average 1 bathroom per 2 rooms). The room sizes for the standard rooms associated with the 10 shared townhouses are in the region of 9.5m<sup>2</sup> and therefore above the required standard of 9m<sup>2</sup> as provided by Appendix D of the DM DPD. They offer communal living accommodation on the lower floor with bedrooms above. Whilst ordinarily not something the Local Authority would choose to seek to support, the room sizes are in excess of the standards imposed in policy and there is still generous kitchen/living accommodation and whilst units of accommodation should not seek to support more than 6 students, the arrangements here can be found acceptable. In Blocks B1, B2 and C1 these are cluster flats with rooms on 13.5m with en-suites ranging from 3 bedroom to 10 bedroom clusters. The 10 bedroom clusters are in essence two five bedroom clusters joined together and they offer a greater flexibility by combining the living and dining areas of 5 bed flats, but each have their own kitchen.
- 7.3.5 The standard studio size is slightly lower than the adopted position at 18m<sup>2</sup> however there is communal space provided within the development and therefore whilst the scheme does depart from the provisions of the development plan, because of the communal space this element of the scheme is considered acceptable. The scheme does seek to provide a gym, games zone, quiet study space and laundry facilities. The scheme does provide for larger studios in the form of the city view and duplex studios which are in excess of the floorspace standards.

#### 7.4 Places Matter Design Review

- 7.4.1 The previous planning application submitted in 2015 (never validated) was the subject of pre-application discussions and the applicant has continued to engage with Places Matter during the evolution of the scheme. Places Matter is a design review panel and is a respected way of improving the quality of new development by offering impartial, expert and constructive advice to developers. The scheme before Members has been the subject of a design review panel meeting at the pre-application stage and in general the panel were supportive of the development. However they considered that work needed to be undertaken outside the development boundary in terms of creating linkages to the City Centre, and they considered that the development needed to be flexible (in case the student market no longer existed and whether the development could become residential dwellings). They also suggested that considered further work was required in terms of ensuring the development was greener (in terms of landscaping).
- 7.4.2 The full planning application was considered by Places Matter in October 2016, and they raised issues over connectivity and movement, and considered that the scheme ought to take the initiative in proposing desirable changes such as how to integrate the entrance plaza into the wider public realm. They also considered that the tower should still be of a more pure (circular) form and raised a concern with the lantern treatment, preferring an earlier iteration of this feature. Concern has been raised over the landscaping within the scheme itself and whilst endorsing the courtyard arrangement they considered that further landscaping was required.
- 7.4.3 Following the receipt of further comments, a meeting was convened on 16<sup>th</sup> November 2016, between Places Matter, the architects, developers and officers from the City and County Councils to discuss the proposal in more depth as a follow up to the previous reviews. With respect to off-site highway works it was vital to deliver a solution which was less-engineered and this is further discussed within the highways section. A detailed discussion was had on the merits of the tower, and Places Matter still consider that the tower would be a significant and visible intervention for the City and would still consider that for the height to be fully justified it should be a more pure form, however equally say that the scale, mass and height of the proposals are acceptable. With respect to landscaping it was considered that landscaping could be addressed through means of planning condition. In terms of sustainability a Combined Heat and Power Plant would be utilised on the

development and that the use of the traditional material for the town houses meant these do have flexibility for alternative uses in the future.

- 7.4.4 In summary Places Matter are **supportive of the scale, mass and height** (our emphasis) and consider that the further work proposed and agreed by parties will enable this to be a truly successful signifier for Lancaster. Whilst they still have reservations regarding the design of the tower, they are generally supportive of the scheme as proposed.

## 7.5 Heritage and Townscape Impacts

- 7.5.1 Section 12 of the National Planning Policy Framework (NPPF) states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing heritage assets, and the desirability of new development to make a positive contribution to local character and distinctness. It does state when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation, with any harm of loss requiring clear justification. Furthermore the NPPF defines the setting of a heritage asset as the surrounding in which it is experienced. The extent is not fixed and could change as the asset and its surroundings evolve over time. The NPPF does make clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight attaches to the assets conservation; the more important the asset (such as the Grade I Ashton Memorial) the greater the weight that should be attached. Significance can be harmed throughout development within an asset's setting. Unlike the boundaries of a Conservation Area, setting does not have a fixed boundary and is harder to define. The NPPF defines the significance of a heritage asset as its value to today and future generations because of the heritage interest of the asset in question. Significance derives not only from its physical presence, but also the setting. A judgement needs to be made of harm that may be created by a development proposal. The National Planning Practice Guide sets out that substantial harm is a high test and does go on to state that in terms of assessing proposals relating to Listed Buildings and Conservation Area that the critical question is whether the adverse impact affects a key element of their special architectural and historic interest. Elements of their significant of each of these assets encompass their historic, architectural and archaeological values.
- 7.5.2 It is not considered that the fabric of any of the heritage assets will be directly affected by this proposal (although there could be buried remains which will be discussed in Section 7.5.10). It is considered that the heritage assets that would be affected owe their significance mostly to the fabric of the asset in question. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard should be paid to the desirability of preserving the setting of Listed Buildings, where those settings would be affected by the proposed development. In addition Section 76 (2) of the Act requires that regard should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and is given considerable weight.

### Localised Impacts

- 7.5.3 The large linear expanse of derelict land would be replaced by a significant mass of built development and there would be a significant change within the application site and with the boundaries of Bulk Road, Back Caton Road, and those on Gladstone Terrace and the applicant asserts that there would be no effect in terms of townscape upon the adjacent Conservation Area. It should be remembered that historically there was a working factory and vehicle dismantlers and therefore historically there has always been some form of development on this site. The elevated terraced properties to the east of the site (Gladstone Terrace) are locally listed and whilst the setting of these properties will still be able to be appreciated, given the dominance of the proposed development it is inevitable there is a relatively high degree of harm caused, however this is not substantial harm. This will also occur for numbers 1-2 Ridge Street and also 1-4 Green Street (all of which are locally designated heritage assets).

### Impact on Conservation Areas

- 7.5.4 Lancaster Conservation Area is sited 60m to the south of the application site with the applicants suggesting that the townscape character of the Conservation Area will be largely unaffected by the proposed development. They conclude that the visibility from the northern end of the Conservation Area and along Cable Street would prove beneficial. In Officers opinions there would be more harm than is suggested within the applicant's submission as the tower block would be clearly visible from

a number of vantage points in the northern section of the Conservation Area (such as on St Leonards Gate and also Cable Street). The remainder of the development is unlikely to be seen from within many parts of the Conservation Area, however the Tower would be a new element within the skyline and would provide a new focus for locals who use the northern end of the Conservation Area. There is a case to say that redevelopment of this site – in most forms – would enhance the Conservation Area when compared to the baseline position of the derelict site that currently exists. On balance whilst it cannot be categorically concluded that the development *would* enhance the Conservation Area, the high-quality of materials and the contemporary designs combine to establish that the development would preserve the character and appearance of the Conservation Area, and as such the development complies with Policy DM31 of the Development Management DPD.

#### Impact on Designated Heritage Assets (Grade I and Grade II\*)

- 7.5.5 Historic England have responded to the planning application in terms of not wishing to provide comment and advising that the application should be considered in accordance with national and local planning guidance, and that the local authority should seek advice from their own specialist Conservation Officers.
- 7.5.6 St Peters Cathedral, 38-42 Parliament Street (Former Toll House Inn for Skerton Bridge) and Skerton Bridge are all Grade II\* listed. It is expected that the setting of 38-42 Parliament Street is harmed by the proposal, however this would be less than substantial harm. Whilst glimpses can be seen of St Peter's Cathedral from within and around the application site, it is not considered that any harm is created by the proposal.
- 7.5.7 The Grade I Ashton Memorial can be seen notably when travelling along Skerton Bridge and dependent on where you are located on the Bridge it is considered that the loss of views of the historic skyline is a significant weakness of the proposal, although the applicants have strived to arrange the development to allow views of the Memorial (in particular) still to be achieved. The Historic Park and Garden which the Memorial sits within adds to the backdrop of Lancaster when travelling on Skerton Bridge and the topography of the City rises up towards Williamson Park and to the Memorial. There is therefore harm created here, however this is less than substantial.

#### Grade II

- 7.5.8 The development would harm the setting of the former Crown Inn on St Leonards Gate, and 32 Parliament Street, this is inevitable given the scale and form of the development. The impact however would not be of a level to constitute substantial harm. The loss of the view of the twin spires of Christ Church (when viewed from Skerton Bridge) is a loss to the historic townscape of Lancaster, however in the context of the general arrangement of the site this will only be evident on Skerton Bridge, and given the distance from the development site to Christ Church it is considered that there is less than substantial harm.

#### Impact on Scheduled Ancient Monuments (Skerton Bridge)

- 7.5.9 Skerton Bridge is a Scheduled Ancient Monument and Grade II\* listed building and was the first large public bridge in England to have a flat rather than a bowed roadway. When travelling along the bridge there would be a change to the bridge's setting. However much of the bridge's setting derives from views northwards, or westwards (i.e. away from the development site). In the absence of any substantive comments on this issue from Historic England, it is considered that whilst there is some harm, this is not substantial and that the public benefits associated with the scheme would outweigh these concerns.

#### Archaeology

- 7.5.10 It is suggested that there is the potential for buried remains of the medieval leper hospital and associated cemetery, together with its historic uses in the 19<sup>th</sup> and 20<sup>th</sup> centuries. There has been development on the site previously and therefore it is difficult to predict what may survive and therefore a suitable scheme of archaeological investigation and mitigation will be required. This is considered reasonable and can be controlled by means of planning condition.
- 7.5.11 It is considered that there is less than substantial harm to the identified designated historic assets, though officers consider that the applicant's Heritage Assessment has underplayed the impacts,

notably with respect to Block A (the response of Lancashire Archaeological Advisory Service and the Council's Conservation Officer lend credence to the officer's conclusions here). There is inevitably a level of harm created by this proposal and the officer has given considerable weight to having regard to the desirability of preserving the setting of listed buildings and special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area as set out in Paragraph 132 of the NPPF. However given the wider regeneration benefits associated with the scheme this is considered to outweigh the harm that has been identified and therefore it is concluded that the scheme accords with Paragraphs 132, 134 and 135 of the NPPF and Policies DM30-34.

## 7.6. Highways

- 7.6.1 This is a significant development sited between two busy highways and the proposal is in essence car-free for residents with only a small number of car parking spaces provided on the site itself (9 spaces). Given the city centre location the applicant's Transport Statement considers that the site allows residents to use the existing transport networks such as cycle, bus or on foot and overall concludes that the development is acceptable in nature.
- 7.6.2 Whilst the development is car free there will inevitably be a need to manage the arrival and departure of students at the beginning and end of term. In short, each student will be allocated a 30-minute drop off appointment during the intake weekend and vehicles can park in the drop-off-zone in the central courtyard for possessions to be unloaded into a secure holding area, and after dropping off the car users they will be advised to utilise the nearby car parks (the closest is St Leonard's Car Park). Assuming a 30 minute appointment system operating for a 12 hour day and space for 15 cars during the intake weekend, 360 students can be moved in per day. International students are likely not to arrive at the same time as UK students and therefore more flexible arrangements can be made to ensure drop off is available. Unlike arrivals, dependent on commitments of the students it is usual practice for them to disperse over the course of a week and therefore a similar arrangement will need to be adopted. County Highways have raised no objection to this particular element of the development.
- 7.6.3 The County initially raised a number of concerns with the application and requested additional information. Amended plans were supplied on 15<sup>th</sup> December, which reflect the discussions of a meeting that was held between the applicant's transport team and the County Council in November 2016. The offsite highway works have been amended to include a bus boarding area on the bus stop adjacent to the site on Bulk Road, and residents parking will be relocated to the eastern side of Bulk Road; together with the removal of short stay parking to allow for new vehicle access and the loading bay. The servicing bay to the south of the site does remain, but now retains the left turn closure from Caton Road onto Bulk Road, and there is the proposal to extend the footway provision to provide for a continuous level surface for pedestrians with two crossing points proposed on Caton Road and Bulk Road to include dropped kerbs, tactile paving and push button facilities. The largest amendment is the provision of shared space at the junction of St Leonards Gate and Bulk Road with re-alignment of the kerbs at the junction to extend footway provision. The provision of the shared surface here is welcomed as it will allow the development to flow from the entrance plaza to the combined space, making this a significant benefit of the scheme. Whilst the plans show what looks to be a mini roundabout this is not the case and this will be a feature to enhance the public realm and this will tie into the public realm for the plaza entrance. The materials to be used here (to be agreed by condition) will give a visual uplift, and this element of the scheme has the potential to work well. The scheme now includes the formalisation of the pedestrian crossing points at the existing signalised junctions, and County consider that the provision of push buttons for pedestrians will have minimal impact on junction capacity. Footway widening was mooted for St Leonards Gate as this is the principal means of users visiting the City Centre or catching a bus, following discussions between the applicants and County it has now been agreed that rather than increasing the footway widths (as that would not be possible due to carriageway widths), two speed tables will assist here.
- 7.6.4 The County have asked for a Travel Plan to be secured by means of condition and requests a contribution of £24,000 (in essence for the County to review the Travel Plan). However this is in essence a car-free development and students would seek to use public transport, cycle or walk. If this was a residential based scheme proposing car parking it would be reasonable to seek to secure the £24,000 for the review, however given it is not, it is considered unreasonable to request this.

- 7.6.5 The County have requested improvements to the bus stop opposite the site and the applicant has amended the proposal to include a bus boarding area here, whilst the bus stop provision is welcomed it is understood that only services 10, 80 and 81 operate here, which will be of little benefit to students as none go to the Lancaster University or the University of Cumbria Campus. It would appear that there could be more value in upgrading those on Parliament Street. Further dialogue with the County will occur and Members will be verbally updated. It is unfortunate given the scale of development that a bespoke service was not offered for students, even if this was just a shuttle bus to the bus station however it would be unreasonable to impose this requirement, especially given the County have only asked for the improvement of the bus stop on Bulk Road.
- 7.6.6 A major benefit of the scheme is that it proposes a new public route that falls between Block C2 and C3, with it being 5m in width. It is the case at the present moment in time a number of people cross the site to get to Back Caton Road and beyond as opposed to going around. The provision here is welcomed and even though there has been concern raised from County regarding the use of steps, in reality this is the most effective way of delivering this route due to topography constraints. Whilst not ideal for cyclists, it is possible to introduce cycle-runners on either side of the steps to allow cyclists to dismount and wheel bikes across the route. The provision of this route amendment was included in the final stages of the pre-application discussions and is supported by officers as it will allow residents of Bulk and Ridge to gain access to Green Ayre and beyond. There is a rather unofficial route that crosses the Kingsway Retail Park and finishes between Farmfoods and Bathstore. Whilst the route connects to Back Caton Road there is no crossing proposed here (and you need to cross at the signalised junctions) and therefore the views of the County Council will be sought as to whether this is needed and reported to members. A number of cycle spaces are proposed across the development site notably adjacent to Block D4, in between Blocks D3 and D2, and between Block A and also with the main plaza entrance. The plans show that the only covered aspect would be the main plaza entrance and therefore it is considered necessary that shelters are provided which can be addressed by means of planning condition.
- 7.6.7 A challenge of developing this site is due to the steeply sloping topography – notably the difference of 6.5m in height between Bulk Road and Caton Road. There will be regrading proposed as part of this development. Retaining walls are proposed and a new retaining wall the full length of the site along Caton Road is proposed and this will be set back by 2 metres, allowing a pavement at road level to be formed here. Above this will be the new retaining wall with a walkway above (approximately 3 metres above road level). The Sidings is in the applicants words is a transitional space whose landscape terraces down from the upper courtyard level to the Goods Yard below it. There is a set of steps and a platform left within this area which will facilitate inclusive access between spaces and levels. The cross route site route will be cut into this space and battered banks and small elements of the retaining structure used to create the abutment for the bridge at Courtyard level above. Towards the southern end of the site a level of 8.8 metres AOD is achieved within the entrance plaza and small ramps and steps will facilitate the transition from the existing levels at the junction and on Bulk Road. To access the link block there are proposed a series of terraces steps to facilitate movement up to the Courtyard.

## 7.7 Flood Risk and Drainage

- 7.7.1 The majority of the site lies within Flood Zone 1 however there are pockets of the site on the south western edge and northern element which are located within Flood Zones 2 and 3. It should be noted that businesses on the northern side of Caton Road suffered extensive flooding during the Storm Desmond event. The scheme has sought to site the student accommodation above the predicted flood levels and in the south western and north west of the site (areas at potential risk of flooding) the rooms at street level will be used for plant and refuse storage and will be designed to be flood resilient. The Environment Agency have not provided any detailed comments however the Lead Local Flood Authority have raised no objection to the development on the understanding that conditions are attached regarding surface water drainage, management and maintenance plan for the sustainable urban drainage system features. This is acceptable given the destruction caused by Storm Desmond, and whilst not requested by consultees this is a large scheme and it is considered that a flood warning and evacuation plan condition should be submitted which relates to both the construction and occupation of the development. This is considered reasonable.

## 7.8 Noise

7.8.1 The application is supported by a noise assessment which concludes that assuming mechanical ventilation and acoustic trickle vents are utilised then the glazing would demonstrate compliance with BS 8233:2014. Noise from outside the development cannot be controlled and therefore has to be mitigated against. Environmental Health have suggested standard conditions such as hours of construction and measures to control dust. Officers do consider that the glazing does need to be improved upon to ensure the development meets the 45dB  $L_{Amax}$  limit, this can be addressed by means of planning condition as can the use of ventilation to be provided here.

## 7.9 Air Quality

7.9.1 The site lies inside the Lancaster Air Quality Management Area and therefore an Air Quality Assessment accompanied the planning application. The initial report was based upon a previous iteration of the scheme which accounted for less bedrooms and was in short considered to be lacking in detail and the Air Quality Officer recommended that the application be refused given the shortfalls within the assessment. The applicant took on board the comments raised and submitted a revised assessment in December 2016. The overall conclusions of the report is that the development is acceptable in air quality terms however the highest annual mean NO<sub>2</sub> concentrations are predicted along the Back Caton Road façade of the development. The NO<sub>2</sub> concentration objective is said to be met as are the objectives for PM<sub>10</sub> and PM<sub>2.5</sub> and no mitigation is therefore proposed. The Air Quality Officer has reviewed the amended information and continues to raise concerns especially with respect to the boiler stack at the laundry, principally as the discharge height of the stack is below the height of the highest part of the proposal and more information on traffic levels have been supplied. The applicant has responded to the concerns raised by the Air Quality Officer in terms of they consider that the assessment has been robust and there is no need to undertake further surveys. Further discussion between the parties is occurring, and members will be updated verbally.

## 7.10 Ecology

7.10.1 The application is on brownfield land, but is supported by an ecological survey of the site due to it regenerating with tall plants and vegetation starting to dominate. The River Lune Biological Heritage Site (BHS) is located 150m to the west of the site, and the River has direct connectivity with the Morecambe Bay European protected site (SPA). However the application site is separated from the River by existing well-established built development. It is north of the city centre, separated from any direct connectivity with the SPA, and is a part of the existing built-up environment. It is not considered that the development proposal will have any harmful impacts on either the River Lune BHS or the SPA. The Lancaster Canal BHS is located approximately 150m to the east of the application site, beyond an area of residential housing. No impacts will arise from the scheme on the special interest of the canal. The Councils ecological advisor Greater Manchester Ecology Unit have reviewed the applicant's survey and visited the site and raises no objections on ecological grounds. Conditions are offered such as measures to control Japanese Knotweed, restriction on vegetation clearance during March to July and a detailed landscaping proposal. All this is appropriate, however restricting vegetation clearance during March to July is considered onerous, and can be found acceptable assuming a qualified ecologist undertakes a walkover survey of the site in advance of clearance (and conditioned to this effect).

## 7.11 Landscaping

7.11.1 As noted elsewhere within this report the site has started to naturally regenerate. Nevertheless there are pockets of trees on the site and to the far northern extent of the site lies Tree Preservation Order Number 387 (2006) however this will be untouched by the development. The scheme only proposes tree loss consisting of young Goat Willow and Birch, and given their low amenity value this loss is considered acceptable. To facilitate a lay-by proposed on the north western extent of the site this would appear to involve the loss of an Ash Tree, whilst mature, it is classified as a Category U tree and therefore its loss is acceptable.

7.11.2 One of the weaknesses of the proposal is that a landscape architect has only recently been brought on board, and therefore there is little to comment on by way of precise soft and hard landscaping treatments. Whilst this can be conditioned it would have been useful to understand the level of landscaping proposed. The applicants have committed to tree planting, planted terraces at the plaza entrance, hanging gardens and rain gardens along Back Caton Road (to assist with animating the retaining wall) and significantly enhancing the greening of the main courtyard, whilst still enabling vehicle movements during the start and end of term time, through the use of non-permanent street



furniture. The Sidings and the Goods Yard will benefit from landscaping. Overall it is considered that the landscaping treatment is moving in the right direction and the use of soft landscaping along the Bulk Road elevation works to break up the otherwise urban mass here. There will be minimal landscaping treatment along the Back Caton Road approach and it is considered that there could have been more work done here however can be addressed by means of planning condition.

## **7.12 Public Consultation**

7.12.1 This is a large development proposal, and not something that is experienced on a regular basis in Lancaster, and it will inevitably have impacts whether that's due to the construction process, or the scale and massing of the development proposed. The applicant has engaged with the Local Authority through the pre-application service and the scheme has been the subject of a number of follow up meetings which have refined the details. The Local Authority advocated discussions should occur with the University, Historic England, the Civic Society and County Highways, all of which the applicant engaged with prior to the submission of this application, and feedback from these respective consultees has helped shape and form the application before Members. The applicant undertook a public consultation exercise at the Dukes Theatre on 19<sup>th</sup> July 2016, a total of 3,000 flyers within a 500m radius of the application site were delivered to local residents and businesses and 30 people attended the event. It is considered that the time invested prior to the application being submitted is perhaps one reason why the application has not generated the level of public opposition that a scheme of this magnitude might reasonably be considered to generate. It sends out a message to other developers that, if done correctly, pre-application discussion and consultation can deliver substantial benefits in the planning process.

## **7.13. Other considerations**

7.13.1 Critical to the planning process is ensuring that new developments use energy efficient design and orientation, energy efficiency and if appropriate renewable energy measures installed. The applicants are proposing a Combined Heat and Power Plant which would be sited within the plant room within Block A. Photovoltaic solar panels are also suggested within the applicant's submission however no details have been provided, and therefore a condition should be imposed requiring this detail to be submitted.

7.13.2 In addition to standard conditions it is considered necessary to impose a condition to restrict the ability of telecommunication operators to site telecommunication equipment on the roofs of the buildings, by removing permitted development rights under Parts 24 and 25 of the GDPO, to ensure that visual clutter does not detract from the design of the buildings. Given the close proximity of the buildings to public highway and also to ensure that the external appearance of the buildings are maintained a condition on façade cleaning and maintenance is required.

## **8.0 Planning Obligations**

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

## **9.0 Conclusions**

9.1 This is a substantial development proposal which occupies a prominent gateway position, with the site having been vacant for a number of years. The site has been the subject of a number of repeated attempts to bring forward development, however unfortunately these have never materialised. Officers consider this application is deliverable and could finally realise the development of this site. The proposal has been the subject of extensive consultation - with officers, the public and consultees - and this has helped to inform the design of the proposal. In terms of design, there is plenty to commend in the submission. Inevitably with a proposal that consists of numerous components there are other elements which have required compromises. However a balance does need to be struck, and the contribution that the delivery of this scheme could have in terms of bringing regeneration to this important city centre site is a significant consideration in the determination of this planning application. The height of the tower and also the dense nature of the scheme are controversial issues – although seemingly not locally controversial given the few public responses that have been received. However the choice of materials will be fundamental and support for the tower block is on the basis of the materials as contained within the applicant's submission. In other words, a weakening of the material palette after planning permission (if it is granted) would not be welcomed, and would be presented to the Planning Committee in any case.

- 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. It is recommended to Members that the scheme is approved subject to the conditions as outlined below.

### **Recommendation**

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Development commence within three years
2. List of approved plans

### **Pre-commencement**

3. Phasing Plan of the respective blocks
4. Access Details
5. Section 278 highway works
6. Finished Floor Levels
7. Site Investigation
8. Land Contamination Report
9. Construction Management Plan
10. Written scheme of investigation followed by programme of archaeological work
11. Surface Water Drainage Scheme to include maintenance strategy
12. Foul drainage scheme

### **Above Ground**

13. Landscaping details
14. Public Realm Surfacing and Landscaping
15. Refuse, provision for drop off and cycle storage (including detail of cycle storage)
16. Security Measures (CCTV)
17. Glazing Measures
18. Ventilation Measures
19. Building Materials

### **Pre-occupation conditions**

20. Travel Plan
21. Servicing and maintenance plan
22. Refuse storage arrangements
23. External lighting
24. Façade cleaning and Maintenance regimes of the elevations
25. Communal Satellite systems
26. Flood evacuation measures
27. Sustainable Energy

### **Control Conditions**

28. Removal of Permitted Development Rights (Part 24 and Part 25 – Telecoms)
29. Student Occupation Only
30. Development in accordance with Flood Risk Assessment
31. Vegetation clearance (only to be undertaken during bird breeding season if ecology walkover undertaken).
32. Development in accordance with the AIA

### **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