

Agenda Item A5	Committee Date 7 January 2019	Application Number 18/00820/FUL
Application Site Development Site Bulk Road Lancaster Lancashire	Proposal Erection of four buildings up to six storeys in height to create student accommodation comprising fourteen two bedroom apartments (C3), 19 shared townhouses (sui generis), with ancillary communal facilities, new vehicular and pedestrian accesses, car parking, servicing bays, retaining walls and structures, public realm and landscaping.	
Name of Applicant HPH Lancaster Property Limited	Name of Agent Mr Mike Harris	
Decision Target Date 2 October 2018	Reason For Delay Consideration of additional details relating to flood risk, and further consideration of heritage considerations.	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Approval (Delegate back to Planning Manager to resolve the concerns associated with a crossing point along Caton Road).	

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 0.6 hectares. Planning consent was granted in January 2017 for a new student village. The site which was previously scrubland; formally accommodating the K-Shoes factory and a vehicle dismantler. To the west of the site lies Back Caton Road with industrial development beyond this in the form of the Dana 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 (eight 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 about 50 metres wide and 50 metres in length, and the northern part of the site is narrower at 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.
- 1.3 A small sliver (circa 5% of the site area) of the western boundary (adjacent to Caton Road) falls within Flood Zones 2 and 3, and the development falls within the Lancaster Air Quality Management Area. There is 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.

- 1.4 There are no Listed Buildings or Scheduled Ancient Monuments located within the development site, and the development does not fall within the Lancaster Conservation Area. The Grade II* 38-42 Parliament Street are located 60 metres to the west of the proposal, and Skerton Bridge which is Grade II* and a Scheduled Ancient Monument is located 100 metres to the west of the proposal. The nearest Grade II listed building is the Crown Inn on St Leonards Gate (85m to the south of the site). The Lancaster Conservation Area is located 130m 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 was formerly a Public Right of Way (Footpath 25 which entered the site from the west) which since planning permission was granted under 16/01084/FUL was stopped up under Section 257 of the Town and County Planning Act, and this is likely to have been associated with the previous use as a shoe factory as it did 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 original proposal was quite significant in scale, and provided for 630 bedrooms across eight purpose built buildings which were arranged around a series of linked external courtyard spaces. Development on Phase I commenced in May 2017 which related to the southern part of the site to include Block A, Block B, Block B1 and C1 and C2. This application seeks to amend Phase II to provide for 215 bedrooms across 4 separate buildings. There would be 28 additional bedrooms compared to the consented scheme and therefore in total this scheme seeks consent for 4 blocks of accommodation providing 215 bedrooms (Blocks C3, D1, D2, D3 and D4).
- 2.2 The current proposal relates solely to Phase II which consists of amendments to Blocks C3, D1, D2 D3 and D4. One of the key reasons for the application was that to enable the construction of Blocks D1, D2, D3, and D4. This would require heavy vehicular access from Caton Road (since the County revoked the site's roads closure notice in 2017). This has resulted in the provision of a site access road that runs parallel to Caton Road but this results in the repositioning of Blocks D1, D2 and D3, a minor change to Block C3 in terms of position. As part of the amendment to Blocks D1, D2 and D4 the scheme now includes the provision of soft landscaping along the frontage and the provision of a larger footway (this has been made possible due to the relocation of the built form). The servicing layby on Caton Road has been relocated to a more central location, and additional bin storage has been added to the lower ground floor of Block D2 to supplement the one at the base of Block D4. The retaining wall that abuts Caton Road has been broken up with steps and some embankments.
- 2.3 Block C3 is the continuation of the town house element (C1) which has been implemented and currently under construction. Block D1 is generally of three storeys in height above the entrance floor level but the end block of D2 does rise to four storeys above the entrance floor level. Block D3 and D4 are sited within the Goods Yard and are four storey buildings. The predominant material is a buff brick, though some ashlar and rubble stone is also proposed.

3.0 Site History

- 3.1 The relevant planning history to the site is noted below.

Application Number	Proposal	Decision
18/01363/VCN	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 (Pursuant to the variation of condition 7 on planning permission	Pending Consideration

	17/01413/VCN to allow for an amended offsite highway scheme)	
17/01413/VCN	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 (Pursuant to the variation of condition 2 on planning permission 16/01084/FUL to amend the approved plans relating to the fenestration of Blocks A, C1 and C2; and Block B from a pitched to flat roof, and condition 4 with respect to modification to the pedestrian route across the site and amendment to the phase 1 vehicular and pedestrian access)	Approved
16/01084/FUL	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	Approved
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 under-croft 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
Historic England	Do not wish to make comment on the application.
Conservation Officer	Raise objection that the increased height of Block D4 would negatively impact the setting of 38-42 Parliament Street (Grade II*) and would dominate the asset when approaching the city over Skerton Bridge. The proposal leads to a level of harm to the setting and significance of the 2 Listed buildings and a scheduled ancient monument - the level of harm is considered to be less than substantial (Paragraph 196 of the Framework).
County Highways	No objection in principle to the amendments, but have sought clarification on the purpose of the layby. Concern has also been raised with respect to planting along Caton Road and a request that the footway is increased to 2 metres along the landscaped areas. In a late representation on 14 December 2018, County have requested a crossing facility across Caton Road (to be signalled).
Environment Agency	Initially objected on the basis of an inadequate Flood Risk Assessment (FRA), lack of detail associated with floor levels, concerns on safety with living accommodation on

	the ground floor and that flood emergency planning including flood warnings are catered for. An amended FRA was submitted to the Local Planning Authority for consideration in November 2018 which sought to address the concerns of the EA, which includes full consideration of the points that were raised by the EA. Subsequently the EA does not object to the development on the basis that a condition associated with contaminated land is submitted.
Lead Local Flood Authority	No objection
United Utilities	No objection to the development on the basis that that the development is carried out in accordance with the submitted Flood Risk Assessment (FRA).
Environmental Health Officers	No objection , but recommends noise attenuation be provided.
Natural England	No comments to make on the planning application
Canal and Rivers Trust	No comment to make on the planning application
Historic England	Do not wish to make comment on the application
Engineering Team	No observations received within the statutory timescales
Fire Safety Officer	No objection
Lancaster Civic Society	No objection
Lancashire Police	No observations received within the statutory timescales
Public Rights of Way	No observations received within the statutory timescales
Public Realm Officer	No observations received within the statutory timescales
Tree Officer	No objection subject to the development being carried out in accordance with the submitted Arboricultural Implications Assessment and a scheme for landscaping to be submitted.

5.0 Neighbour Representations

5.1 No representations have been received in respect of the scheme.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Section 2 – Delivering sustainable development
Section 4 – Decision Making
Section 8 – Promoting healthy and safe communities
Section 9 – Promoting sustainable transport
Section 11 – Making effective use of land
Section 12 – Achieving well-designed places
Section 14 – Meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the historic environment

6.2 Local Planning Policy Overview – Current Position

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

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

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were submitted to the Planning Inspectorate on 15 May 2018 for independent Examination, which is scheduled to commence in early January 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council in mid-2019.

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 2017, 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 Other Material Considerations

Historic England – Tall Buildings Advice Note 4

7.0 Comment and Analysis

The main considerations arising from the proposal are:

- Principle of development;
- Design, layout and amenity considerations;
- Heritage and townscape;
- Highways;

- Flood risk and drainage;
- Noise;
- Air quality;
- Ecology;
- Landscaping.

7.1 Principle of Development

- 7.1.1 The principle of development has been found acceptable under planning consent 16/01084/FUL (granted in January 2017), and Phase I of the development was wholly included within the emerging Local Plan under Policy DOS1 which supports the regeneration of the site for a wide range of uses including commercial, leisure and retail uses (Phase I already benefits from a housing allocation within the adopted local plan under Policy H3). The footprint of this planning application has been amended slightly to cater for the development proposal, but in essence it is a similar footprint to what has been found acceptable previously and therefore the principle of development of this site could be found acceptable. However, technical matters will need to be re-evaluated as part of this planning application.

7.2 Design, layout and amenity considerations

- 7.2.1 The design follows a similar ethos to that approved in 2017, with the most discernible change being an increase in height by an additional storey of the corner of Block D4 on Caton Road. It is fair to suggest that the Caton Road frontage is over a considerable distance and Officers worked with the applicant's agent to create a series of buildings that had their own identity but shared a common synergy. Concern has been raised by the Council's Conservation Officer regarding the form of Block D4, and Officers consider that the original proposal for Block D4 was more preferable, and it is considered that the amendment in height slightly unbalances the development when seen as a whole. However, overall it is still considered that the proposed scheme would still provide an attractive townscape into the city, and the proposed development would result in notable changes to the current character of the site, and the introduction of the varying scales across the site is still considered to be beneficial in nature. The change is minor in the overall context of the development applied for, and whilst the applicant contends that the change will be barely perceptible given the siting of Blocks D2 and D3, Officers consider that from Skerton Bridge and Caton Road the change will be noticeable. The case officer considers that the additional storey on the corner of Block D4 would not be considered detrimental from a streetscene perspective, albeit it would have been more desirable to revert back to the original scheme.
- 7.2.2 Block D1/D2 has been amended slightly to cater for the amended roof detail and changes to the elevation treatment by simplifying the design with the loss of the coursed rubble stone element of the building. The building is simplified, and the inclusion of the stone was a positive of the scheme and it is regrettable this has been lost. Block D3, with its rubble staircase gables fronting Caton Road remains unchanged as part of this application despite the applicant's desire at pre-application stage to amend the detail associated with this block, and this now remains the same as the consented scheme. Block C3 is very similar to that approved, albeit it has been slightly relocated to allow for increased manoeuvrability through the car park into phase I, and to allow for the cross route access to be incorporated.
- 7.2.3 The development has been pushed back from Caton Road to allow for the proposed lay-by for servicing and this provides a larger area to be utilised as public realm in terms of wider pavements, but provides for landscaping and this is considered a significant positive of the scheme. County Highways has raised some concerns regarding adoption, but it is considered that these issues can be addressed as part of the approval of conditions application process as the Caton Road layby will be for servicing and this may well warrant a Traffic Regulation Order to control its subsequent use (to be undertaken under the Highways Act).
- 7.2.4 The scheme seeks to amend the internal provision of accommodation, and in Block D1 there are a number of 10 bedroom clusters which offer flexibility to students by combining the living and dining areas of 5 bed flats, each with their own kitchen. Block D2 comprises twin bed apartments with shared living areas and Blocks C3, D3 and D4 are shared houses of between 8 and 12 bedrooms with shared bathroom facilities (1 bathroom per two bedrooms). Room sizes align with the Council's adopted position, but the clusters are larger than those proposed as part of the consented scheme,

as generally the LPA look for no more than 6 bedrooms per cluster. Whilst this raises some concern, the Planning Policy team has reviewed the floorplans and considers that given this is managed student accommodation the standards of living would not be compromised and on this basis do not object to the proposal.

- 7.2.5 Block D3 has been pushed closer towards properties on Bulk Road though there is still more than 21 metres between habitable windows and therefore whilst these properties will encounter a change in outlook (much like the original scheme) this can be found acceptable. The interface distance between Block C3 and Gladstone Terrace is at 18 metres, but this is considered acceptable given the city location. The interface between Block D2 and Block D3 is significantly below the required 12 metres separation between windows and a blank façade at 7 metres. This would impact on 10 rooms. A similar situation occurs with the relationship of Block D4 and D3 whereby this would impact on 9 rooms. Whilst it deviates from the standard 12 metre separation distance, on balance it is considered that an acceptable standard of outlook would still be afforded based on the site's city location. It is the case that not all bedrooms would have the outlook as outlined in Policy, but a balance needs to be struck, and given the re-development benefits associated with the scheme the changes are considered acceptable.

7.3 Heritage Matters

- 7.3.1 Section 16 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 distinctiveness. 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 asset's conservation, with any harm or 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 asset's 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's 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 Guidance 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.

- 7.3.2 It is considered that the fabric of the heritage assets will not be directly affected by this proposal (and issues associated with below ground archaeology are catered for with respect to application 17/01413/VCN and Paragraph 7.3.9 of this report). 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.

7.3.3 *Impact on Conservation Areas*

Lancaster Conservation Area is sited 140m to the south of the application site with the applicant suggesting that the townscape character of the Conservation Area will be largely unaffected by the proposed development. Phase II of the development is unlikely to be seen from within many parts of the Conservation Area, owing to Phase I essentially obscuring views to it. As with the original application when it was decided that whilst it could not 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.

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

Historic England has 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. Historic England's remit includes providing comment on Grade I and Grade II* Listed Buildings and also Scheduled Ancient Monuments.

7.3.5 St Peter's Cathedral, 38-42 Parliament Street (Former Toll House Inn for Skerton Bridge) and Skerton Bridge are all Grade II* listed. It is accepted that the setting of 38-42 Parliament Street is harmed by the proposal, though this would be less than substantial harm. The Conservation Officer concludes the end of Block D4 would potentially negatively impact the setting of 38-42 Parliament Street and Skerton Bridge. The applicant had been aware of the Council's concerns regarding the increase in height on Block D4 at pre-application stage which included the proposal to raise Block D3 by a storey. Officers consider there is less than substantial harm, but the public benefits associated with the provision of new student accommodation on a brownfield site is such, that whilst it is finely balanced, Officers consider that to refuse the scheme on the basis of no objection from Historic England (whose remit includes the setting of Grade II* buildings) could not be robustly defended at planning appeal.

7.3.6 The Historic Park and Garden which the Ashton 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. The changes proposed are minor and whilst there is harm, this is less than substantial harm.

7.3.7 *Impact on Designated Heritage Assets (Grade II)*

The development would harm the setting of the 32 Parliament Street, this is inevitable given the scale and form of the development, though again this would be less than substantial harm.

7.3.8 *Impact on Scheduled Ancient Monuments (Skerton Bridge)*

Skerton Bridge is a Scheduled Ancient Monument and Grade II* Listed structure 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 as a result of this application. 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 redevelopment of the site would outweigh these concerns.

7.3.9 *Archaeology*

Lancashire Archaeological Advisory Service raises no objection to the scheme. Whilst archaeological work has been undertaken, further work is required for phase II and can be agreed via an appropriately worded planning condition.

7.3.10 In conclusion it is considered that the scheme will result in some harm to the surrounding Listed buildings and Scheduled Ancient Monument and therefore in accordance with Paragraph 196 of the Framework the public benefits of the proposal have to be weighed against the harm. The case officer concludes that the provision of purpose built student accommodation on a brownfield site on a main arterial route into Lancaster is such that this warrants the wider regeneration benefits of the proposal outweighing the limited harm, and therefore the scheme conforms to Paragraph 196 of the Framework.

7.4 Drainage

7.4.1 The Environment Agency did not object to the original grant of planning permission (16/01084/FUL). However, they initially raised an objection on the basis that the ground floor of Block D should be restricted to storage or communal living, and that the ground floor levels are raised a minimum of

600mm above existing ground levels. The Lead Local Flood Authority has raised no objection to the development on the provision that conditions associated with drainage are imposed on any consent. They have, however, shared the recommendations made by the Environment Agency although they have not objected to the development given fluvial sources of flooding would fall within the Environment Agency's remit. The applicant's engineering consultants have been working with the Environment Agency to address their concerns during the course of October 2018. An amended Flood Risk Assessment was submitted in support of the scheme in November 2018 and it is accepted that elements of Block D1 and Block D2 fall within Flood Zone 3. One of the concerns of the Environment Agency was not to have any living accommodation on the ground floor of any of the accommodation blocks. All ground floor areas for residential use are at 10.5m AoD and are above the 9.22 AoD predicted 100 year plus 70% climate change event flood level. There is, however, plant room, receptions, bin stores, amenity space and cycle storage located on the lower ground floors. Whilst it is not ideal to have the likes of amenity zones on the lower ground floors and therefore at risk of flooding, fundamentally none of the living accommodation is at risk of flooding, and therefore assuming the development is built in accordance with the approved plans it is considered that none of the occupiers will be at a heightened risk of flooding.

7.4.2 Phase II does not lie within the Housing Land Allocation (Policy H3), nor within the emerging allocation under DOS1. However, parts of this application sites does lie within Flood Zones 2 and 3, so the applicant was asked to provide a sequential assessment. The case officer has concluded that Block D1 and D2 fall within the Regeneration Priority Zone under Policy EC5 of the emerging local plan. The Lancaster Core Strategy under Policy ER2 sets out that Central Lancaster (Design Led Regeneration) and Caton Road (Gateway and Transport Corridor Regeneration) are both identified as Regeneration Priority Areas. The Planning Practice Guidance discusses that the sequential test will be determined by specific circumstances and areas for regeneration could fall within this. The applicant has submitted a sequential test in support of the scheme looking at the city centre, which given the use and the intention of the regeneration priority areas is considered acceptable. The applicant has explored the prospect of sites currently on the market and also the sites that have an allocation within the Local Plan. It is considered that whilst there are sites that benefit from planning permission these have already been implemented, and given the regeneration benefits and also the extant planning consent, that circumstances are such that allow the sequential test to be passed.

7.5 Noise

7.5.1 The scheme is set back a little further from Caton Road as opposed to the consented scheme, and an amended noise assessment has been submitted in support of the application. The assessment demonstrates the noisescape associated with the submitted proposal is dominated by vehicular traffic and provides for suitable mitigation in terms of glazing and ventilation. Assuming appropriate mitigation is installed in the form of glazing and ventilation, then there is no objection from Environmental Health Officers. Discussions are still ongoing with respect to Phase I in terms of the type of noise attenuation to be used and therefore a condition is recommended to be imposed on this consent.

7.6 Air Quality

7.6.1 The Air Quality Officer considered as part of the original planning application that there was a requirement for mechanical ventilation on select buildings, though as part of the submission for ventilation associated planning permission 17/01413/VCN it transpired that the objective levels were not met in relation to this site despite it being adjacent to an Air Quality Management Area and air quality is close to, or exceeding, the annual mean NO₂ objective in parts of the city centre. Conditions can only be imposed when they meet the relevant tests, but given the results of the air quality assessment there is no requirement from an air quality perspective to impose a condition on mitigation when the applicant's assessment has not revealed a need for mitigation given the objective level is achieved at the lowest bedrooms in the most conservative scenario modelled (to include the street canyon effect). The predicted concentrations at 4 metres from the ground (window height) has revealed that the objectives from PM₁₀ and PM_{2.5} are also achieved at all receptors and therefore no mitigation is required. With the above in mind, it is not considered appropriate to impose a condition associated with mitigation. The shift to ultra-low and zero emission vehicles is well under way, and will continue to gather pace over the coming years as we move towards 2040, by which point the government will end the sale of all new conventional petrol and diesel cars and vans. It is therefore expected that air quality in this location should improve as the years pass.

7.7 Highway Matters

7.7.1 From a highway perspective the fundamental changes to the consented scheme includes the amendment to the proposed lay-by for servicing and the increased width in the footway along the frontage of Block D2 and D3. The number of car parking spaces associated with the scheme is consistent with the approved scheme (7 spaces). County Highways raises no objection to the scheme, but have asked for some clarification regarding the lay-by. These comments have been addressed by the applicant's agent. County has not raised any observations with respect to the cross site route as in reality this will not become adopted. Whilst it is quite wide along the western boundary of the site as you approach Caton Road, the case officer has concerns regarding the narrow stretch which is proposed from Bulk Road. This has to be increased and Officers are working with the applicant's agent on this as it needs to be at least 1.8metres in width here, and provide for a little more space at the pinch-point which exists at the top of the car park. It is considered that from a highway perspective the scheme is considered acceptable and assuming the cross site route can be increased in width and remains in use for the duration of development then the amendments are considered acceptable. There was no planning condition associated with the extant scheme to provide for a crossing point on Caton Road from where the cross route site terminates. Whilst the County Council in their correspondence from September 2018 does not allude to this requirement, and nor do they in their response to amend the off-site highway condition, they now have advised that a crossing point is required on Caton Road. With respect to the original consent Members may be aware that there was a requirement for significant enhancement around the Bulk Road/St Leonardsgate Junction but it has become evident that due to changing legislation the enhancements that were envisaged in 2016 are no longer capable of being implemented given the government is rethinking shared space. This is a disappointment to Officers. Officers are liaising with the County Council and the applicant's agent on this matter. Whether this will be an uncontrolled crossing, or a signalised junction will be dependent on a Road Safety Audit (RSA), but County has expressed a desire for a signalised arrangement.

7.7.2 As with the original application, the applicant has continued to engage with the local authority via its pre-application advice service. The cross site public route was a key benefit of the implemented planning permission, and this has been amended to now be sited to the north of Block C3. It would be fair to suggest the amended alignment of the route feels less desirable than the approved one (notably the left turn after entering the footway from Bulk Road). Officers still support the principle of the route and the scheme has now lost the underpass proposal, which in some respects can be looked upon favourably. A series of steps have been proposed to deal with the step changes. As with the original consent should Members be minded to support the scheme there should be a requirement for cycle runners to be included within the design so as to allow cycles to be carried across the site. The applicant is proposing a mesh fence to separate the public realm associated with the scheme and the cross route site. Whilst the principles of this maybe acceptable, it would be more appropriate if railings could be incorporated and Members will be updated of this at Committee. Naturally the route needs to be lit and therefore this can be controlled by condition. The application has proposed some cycle parking adjacent to Caton Road. From a safety perspective having a cycle parking on show adjacent to the main road raises some safety concerns and this should be relocated in the site and Officers would prefer to see soft landscaping along this main arterial route instead.

7.8 Landscaping

7.8.1 The hard and soft landscaping associated with the development will be reserved as a condition of planning, though Block D4 includes the terraces and gardens, and study gardens are proposed to the rear of Block D2 together with planted terraces between Blocks C3 and D1. Officers have always been supportive of promoting some greenspace within the city centre and this scheme proposes this but the detail will need to be addressed by planning condition. The large retaining wall that runs along the rear of Bulk Road has been proposed to be broken up, via terraced gardens and the public realm will provide much needed outdoor space for students and the space will offer the opportunity for rest, relaxation and activity whilst encouraging social interaction (a fundamental aim of the Framework).

7.8.2 Given the presence of the larger footway along the frontage of the site from Block D1 - D4 this has now allowed for planting adjacent to Caton Road. This is something that was advocated on the original scheme but never materialised. This is a positive of the scheme to soften the approach into the city centre. The case officer is fully supportive of this, though the detail will need to be resolved

through the Section 278 process given the pavement will essentially become part of the adopted highway.

7.9 Other Matters

7.9.1 The area around Phase II has been re-graded and a vegetation strip occurred in 2017 prior to works commencing on the site. Therefore from an ecological perspective it is considered that the site does not hold any ecological value. The scheme does propose quite significant landscaping as part of the development overall, so there will be some net gain to conform to the requirements within the Framework.

7.9.2 As with the previous planning consents it is recommended to impose a condition preventing telecommunication providers to erect telecommunications equipment on the top of the buildings, and it is considered necessary to include conditions regarding façade cleaning programmes, together with a condition that controls the use of the development to student accommodation only. The Environment Agency has requested a planning condition associated with contaminated land. This was previously imposed, but the verification report still needs to be submitted. Therefore it is recommended that the outstanding contamination matters are conditioned on this application. An advice notice should be appended to the planning decision notice advising the applicant that resident parking permits will not be issued to new residents.

8.0 Planning Obligations

8.1 All matters can be controlled via the use of planning conditions.

9.0 Conclusions

9.1 The original application was supported by Members, given it would create a high quality development on a key gateway location that had been derelict for a significant number of years since K Shoes vacated the site in the late 1980s. It is fair to suggest that Lancaster's skyline has changed since the framework of Blocks A and B have been erected, and on the whole this has been welcomed by the local community. The scheme proposes some modest changes to the extant consent associated with Phase II, some of which are seen as a positive such as the setting back of the development from Caton Road, and others such as the increase in height of Block D4 and the amended alignment of the cross route site are weaknesses. When taken as a whole, however, and considering the baseline is now the consented scheme, it is considered that the scheme can be found acceptable and is offered support by Officers. It is recommended to Members to approve the development subject to the conditions as noted below.

Recommendation

Delegate back to the Planning Manager to agree highway related matters with the Highway Authority, but resolve that Planning Permission **BE GRANTED** in principle subject to conditions:

1. Standard 3 year timescale
2. Approved plans
3. Flood risk measures
4. Building materials
5. Landscaping
6. Off-site highway scheme
7. Access details
8. Archaeology
9. Surface water drainage scheme
10. Surface water management
11. Access road and surfacing
12. Cross site access route
13. Off-site highway works
14. Hard and soft landscaping
15. Construction environmental management Plan
16. Finished floor levels
17. Noise attenuation measures in respect of glazing
18. Crime prevention measures

19. Sustainable energy measures for each building
20. Flood warning and evacuation plan (FEP)
21. Façade cleaning and maintain Strategy
22. Travel Plan
23. Delivery, servicing and maintenance
24. Foul water drainage scheme
25. Contaminated land assessment
26. Development in accordance with AIA
27. Development only to be utilised by students
28. Removal of Part 16 of the Town and Country Planning (General Permitted Development) Order 2015
29. Lighting details

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.