

<b>Agenda Item</b> A14	<b>Committee Date</b> 7 January 2019	<b>Application Number</b> 18/01420/FUL
<b>Application Site</b> Chancellors Wharf Aldcliffe Road Lancaster Lancashire	<b>Proposal</b> Demolition of two cycle shelters, erection of three cycle shelters, landscaping works including paving and planting, perimeter wall and access gates	
<b>Name of Applicant</b> Helen Wood	<b>Name of Agent</b> Mrs Gillian Conner	
<b>Decision Target Date</b> 22 January 2019	<b>Reason For Delay</b> None	
<b>Case Officer</b>	Mr Andrew Clement	
<b>Departure</b>	None	
<b>Summary of Recommendation</b>	Split Decision	

**(i) Procedural Matters**

The proposed development would normally fall within the scheme of delegation. However, Councillor Dave Brookes has requested that the application be reported to the Planning Committee on grounds of adherence to a legal agreement and maintaining the public access route through the site without obstructions.

**1.0 The Site and its Surroundings**

- 1.1 This application relates to Chancellors Wharf, a site of student accommodation that occupies a prominent position on the north side of Lancaster Canal. The site comprises three 3-storey blocks of student accommodation, finished in render and natural stone walls. The site is owned by the Canal and River Trust, with two canal boat winding holes (turning areas) heavily influencing the shape and built form of the site. A route through the site links the south western and north eastern corners of the site, between the Basin Bridge and the 'Waterwitch' footbridge, beyond which is the Lancaster Canal towpath. This route through the site permits public access linking to the canal towpath either side, and is controlled through a legal agreement for the consent for the student accommodation at this site. The western most block (Kent House) backs onto the canal, adjacent to the Grade II Listed building Basin Bridge, directly opposite the Grade II Listed Old Blacksmiths Shop site on the opposite side of the canal, which comprises a number of Listed structures. The entire site is within the Aldcliffe Conservation Area. The site is accessed by motor vehicles off Aldcliffe Road, opposite a hardware store, with parking and cycle provision fronting Aldcliffe Road.

**2.0 The Proposal**

- 2.1 The application seeks consent for the demolition of 2 cycle shelters, erection of 3 new cycle shelters, paving landscaping works, and boundaries erected through perimeter walls, hedges and gates. A 1 metre tall stone wall is proposed along Aldcliffe Road, maintaining the vehicular access opening and 3 gated pedestrian openings to this western side, plus a section of low wall within the site. A section of wall measuring 1.4 metres tall is proposed to the north west of the site, set back from the highway behind a 2.2 metres wide public walkway, with two gated pedestrian openings either side of this wall. The northern boundary to the site is to be formed by a 1.4 metre tall hedge. A further new gate

between an existing stone wall and an existing fence along the canal is proposed to the south west corner of the site. The 3 proposed bike stores measure 2.65 metres tall, finished in timber cladding walls with a powder coated fascia under a flat roof. 2 of the cycle stores are to accommodate 10 bikes each, measuring 4.04 metres by 4.53 metres, whilst the central cycle store is to accommodate 14 bikes in a building measuring 6.53 metres by 3.48 metres. A paved pedestrian route through the site already exists in contrasting paving, with any new or replacement paving to be laid in conservation style concrete block paving in silver grey colour.

### **3.0 Site History**

- 3.1 The list below of relevant applications at the site includes the original consent for the original student accommodation (which was subject to a legal agreement), and a more recent application (for the same works as being applied for now) that was withdrawn:

Application Number	Proposal	Decision
92/01291/FUL	Erection of 246 student study rooms and one bursars flat in three blocks of three storeys high	Permitted
94/00024/LB	Listed Building application to re-build wall, re-cobbling and resurfacing works	Permitted
09/00831/FUL	Creation of a new footpath, beech hedge and protective fencing, erection of bike stores and relocation of bin stores	Permitted
17/00674/FUL	Installation of new windows, doors and stone cladding with canopy over proposed entrance to Lune House to create a reception area and installation of a replacement window to Kent House	Permitted
18/00570/FUL	Demolition of two cycle shelters, erection of three cycle shelters, landscaping works including paving and planting, perimeter wall and access gates, and installation of boiler flues	Withdrawn

### **4.0 Consultation Responses**

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

Consultee	Response
<b>Canal and River Trust</b>	<b>No objection</b> , informing that the land is owned by the Canal and River Trust, and recommend hedge planting is native species
<b>Lancaster Canal Trust</b>	<b>No objection</b>
<b>Conservation Section</b>	<b>No objection</b>
<b>Tree Officer</b>	<b>No objection</b> , subject to a Tree Protection Plan being submitted and agreed prior to any site activity associated with the development
<b>County Highways</b>	<b>No objection</b> . If the public walkway were to be managed and maintained by County Highways it would need to be constructed to adoption standards through a scheme to be agreed with County Highways
<b>Environmental Health</b>	No observation received
<b>Cadent Gas</b>	<b>No objection</b> . Informative advice regarding locations and impact upon gas infrastructure

### **5.0 Neighbour Representations**

- 5.1 5 objections received raising concerns regarding access through the site, visual appearance of the proposed walls and gates, and the wall adjacent to highway impeding visibility for vehicles and pedestrians.
- 5.2 The previous withdrawn application 18/00570/FUL received 57 pieces of correspondence and a petition raising similar concerns to those above, particularly around public access through the site.

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

### **6.1 National Planning Policy Framework (NPPF)**

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The following sections of the NPPF are relevant to the determination of this proposal:

Paragraphs 8 and 11 – Sustainable Development  
Section 8 – Promoting healthy and safe communities  
Section 9 – Promoting sustainable transport  
Section 12 – Achieving well-designed places  
Section 15 – Conserving and enhancing the natural environment  
Section 16 – Conserving and enhancing the historic environment

### **6.2 Development Management Development Plan Document (adopted July 2014)**

DM3 – Public Realm and Civic Space  
DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking & Cycling  
DM22 – Vehicle Parking Provision  
DM27 – Protection & Enhancement of Biodiversity  
DM29 – Protection of Trees, Hedgerows & Woodland  
DM31 – Development affecting Conservation Areas  
DM32 – The Setting of Designated Heritage Assets  
DM33 – Development affecting Non-Designated Heritage Assets or their Settings  
DM35 – Key Design Principles  
DM46 – Accommodation for Students  
Appendix B – Car Parking Standards

### **6.3 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 spring 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council later in 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.

### **6.4 Lancaster District Core Strategy - saved policies (adopted July 2008)**

ER1 – Higher and Further Education  
SC5 – Achieving Quality in Design

6.5 Lancaster District Local Plan - saved policies (adopted 2004)

R12 – Lancaster University

6.6 Other Material Considerations

Listed Building and Conservations Area Act 1990

Paragraph 72 - General duty as respects conservation areas in exercise of planning functions.

Paragraph 73 - Publicity for applications affecting conservation areas

Aldcliffe Conservation Area Appraisal

**7.0 Comment and Analysis**

7.1 The key considerations arising from the proposal are:

- Principle of the development and accessibility;
- Scale, design and landscape impacts upon heritage assets;
- Residential amenity;
- Trees and ecology; and
- Impact upon the highway and cycling provision.

7.2 Principle of the Development and Accessibility

7.2.1 The application site contains established student accommodation just beyond the southern end of Lancaster city centre, sited immediately north of the Lancaster Canal. The development was originally constructed in 1994, comprising 3 blocks and providing 244 bedrooms in 41 flats. The current application seeks to refurbish the wider site to improve the security by delineating the boundary to the site through low stone walls, hedge planting and pedestrian access gates, whilst replacing the existing bike storage facilities with new secure bike stores adjacent to each of the 3 accommodation blocks. Sections of new paving are to be laid, defining the walkway through the site and block courtyard areas, which are to be cleared through the removal of the existing bike stores.

7.2.2 The proposal for replacement bike stores at the site to improve the security of these facilities is considered to be an acceptable refurbishment of the current provision. The development of a physical representation of the site's boundary is also considered to be acceptable in principle, and would be a similar approach to the University of Cumbria campus in a similar edge of city centre location. However, the original consent for the construction of student accommodation on the former depot, timber works and coal yard site included a legal agreement requiring public access through the site at all times, linking to the towpath at either end of the site. Contrasting from the aforementioned University of Cumbria example, gates are proposed to all pedestrian accesses to the site. Although these are to remain unlocked, this would give the impression of a closed private site, and restrict accessibility for some users' requirements, such as those in wheelchairs. This would inhibit accessibility for the whole community, particularly those with disabilities in terms of the physical barrier of closed gates. The association of the closed gates would create uncertainty regarding the legal public access through the site at all times. This would also raise concerns of enforceability of this legal public access requirement, to check whether gates remain unlocked.

7.2.3 Discussions with the applicant's agent have taken place regarding a planning condition for gates to remain open at all times, which would address the aforementioned accessibility and enforceability concerns. However, it is maintained that closed unlocked gates to the site are necessary to ensure cyclists dismount before entering the site to improve safety of those on foot, particularly to the south east side of Kent House where the footpath is adjacent to the canal. Given the long stretch of straight footpath following the closed gate it is deemed that a closed gate would have limited effectiveness in preventing cyclists riding along this footpath. The applicant's agent discounted all other potential measures raised, such as signage, obstructions and surface treatments. The closed gates would have very limited effectiveness in achieving the apparent concern raised by the applicant in the submission, whilst more importantly this would inhibit the legally required public access through the site. Therefore, this part of the proposal is considered to contravene this legal agreement and is contrary to Policies DM3, DM20, DM21 and NPPF Section 8 and 9, which promote pedestrian access for all sections of the community with easy connections within and between

neighbourhoods. The principle of the closed gates, even if unlock, is considered to be unacceptable.

### 7.3 Scale, Design and Landscape Impacts upon Heritage Assets

7.3.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policies DM30, DM31 and DM32. DM31 sets out that new buildings within Conservation Areas will only be permitted where it has been demonstrated that:

- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
- Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
- Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.

7.3.2 The proposed wall is to total over 120 metres of the boundary to the site along Aldcliffe Road, though given the low-level height of this wall, particularly in comparison to the existing boundary treatments on the opposite side of Aldcliffe Road, it is considered to be proportionate in scale to physically delineate the site boundary. The stone walling with coping stones is acceptable in principle, and the heights of 1 metre and 1.4 metres above the ground level maintains visibility for cars and pedestrians. Given the length of wall in a location within the Conservation Area and setting of heritage asset, a sample panel for the stone wall is recommended to ensure that the stone materials and laying of these is appropriate.

7.3.3 The proposed cycle facilities are in more prominent locations than the existing bike stores in the courtyard, but these are still well related to the existing built form, sited immediately adjacent to each of the accommodation blocks. Finished in timber cladding walls under a 2.65 metre high flat roof, the proportion and materials are sympathetic to the Conservation Area, and the replacement of the existing bike stores would represent an enhancement in visual impact and heritage perspectives. The conservation style concrete paving proposed within the site are considered to be acceptable, whilst the proposed gates cause no visual harm to the Conservation Area or setting of Listed buildings, in particular the adjacent Basin Bridge. The proposal is considered to be acceptable in terms of design, scale and impact upon heritage assets, subject to the aforementioned wall sample condition and a condition confirming the removal of the existing cycle stores.

### 7.4 Residential Amenity

7.4.1 One of the proposed new cycle stores is to be located to a blank elevation, another is by stairwell windows, whilst the third is to the north of windows to Kent House, separated by approximately 5 metres, which is in the location of a previous cycle store since removed. At the modest height and scale proposed, and considering the aspect, surrounding built form and vegetation near the proposed Kent House bike store, these stores are considered to have an acceptable impact upon residential amenity within the site. The demolition of existing cycle stores will improve the residential amenity of the student accommodation site, particularly for those with window openings facing into the internal courtyards that these stores currently occupy. The other proposed works have no detrimental impact upon residential amenity with regards to overbearing, overshadowing or overlooking, and the issues regarding accessibility have been reported upon in the preceding paragraphs 7.2.2 and 7.2.3.

### 7.5 Trees and Ecology

7.5.1 The proposal involves the removal of some low height hedges adjacent to Aldcliffe Road, to be replaced by a low stone wall and low-to-mid level planting. There are some small trees along this boundary, which are to be retained, in addition to a larger tree to the north end of the site, which is protected due to its scale and location within the Conservation Area. No information has been submitted with this application detailing how these trees are to be retained, and therefore a Tree Protection Plan will need to be received prior to the commencement of any associated on-site works. The proposed planting and hedgerow to the north boundary would soften the appearance and green

the site. As detailed within the Tree Officer's consultation response, subject to a condition regarding a Tree Protection Plan to detail the measures required to retain the trees, the proposal is considered to have an acceptable impact upon details.

- 7.5.2 The Lancaster Canal is a Biological Heritage Site for its entire length from Preston/Glasson Dock to Burton-in-Kendal, with a section of the canal immediately adjacent to the site. Given the modest nature of the proposed works to areas of existing hardstanding, the proposal is considered to have no impact upon ecology or biological heritage.

7.6 Impact upon the Highway and Cycling Provision

- 7.6.1 The repositioning of the bike facilities and opening of the courtyards areas to Wyre House and Lune House will result in the loss of 11 car parking space, reducing the provision from 48 to 37. Although the replacement cycle storage provision does not increase capacity, these improved facilities will encourage more sustainable modes of transport. The student accommodation site is in a highly sustainable location, a short walking distance from local services and in close proximity to bus stops and the railway station. Therefore, the reduction in vehicle parking provision at the site is considered to be acceptable in terms of highway impact and parking provision, with no objection received from County Highways.

**8.0** Planning Obligations

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

**9.0** Conclusions

- 9.1 The refurbishment of the site and provision of improved secure bike storage facilities whilst delineating a physical boundary to the site raises no concerns, and are encouraged by the local planning authority. However, this should not be at the expense of the pedestrian linkages through the site, which are controlled through a legal agreement. The inclusion of closed gates would inhibit accessibility, weakening the existing pedestrian infrastructure to a degree whereby it would not be accessible for all sections of the community. Therefore, it is recommended that the closed, unlocked gates to pedestrian access points are refused, whilst all other elements of the proposal that do not inhibit the legal right of way can be satisfactorily controlled through planning conditions.

**Recommendation**

A **SPLIT DECISION** for Planning Permission is reached. In the first instance that planning permission for the proposed pedestrian gates **BE REFUSED** for the following reason:

1. The proposed gates would form a physical and perceived barrier to the site, which would impede access for some users with reduced mobility, whilst the association of the closed gates with a private site would discourage public use of this pedestrian route. A legal agreement for the consent for the student accommodation at this site included a route permitting public access linking to the canal towpath either side of the site at all times, which would be inhibited through this proposal, conflicting to this legal agreement. The development is found to be contrary to the provisions of Policy DM3, DM20 and DM21 of the Development Management DPD and the provisions of Paragraphs 91, 98, 108 and 110 of the National Planning Policy Framework (NPPF), which promote street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, use of clear and legible pedestrian routes, protection and enhancement of public rights of way and access, ensuring safe and suitable access to the site can be achieved for all users and addressing the needs of people with disabilities and reduced mobility.

That planning permission for the proposed demolition of two cycle shelters, erection of three cycle shelters, landscaping and paving works and perimeter walls **BE GRANTED** subject to the following conditions:

1. Standard timescale
2. Development in accordance with approved amended plans and details
3. Tree Protection Plan
4. Sample panel of boundary wall
5. Walls to be topped with coping stones
6. Remove existing bicycle stores on completion or first use of new bicycle stores

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

In accordance with Article 35 of the above Order, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The decision 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.

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal. The applicant is encouraged to liaise with the Case Officer in an attempt to resolve the reasons for refusal.

### **Background Papers**

1. Legal agreement to planning permission 92/01291/FUL