

<b>Agenda Item</b> A8	<b>Committee Date</b> 4 February 2019	<b>Application Number</b> 18/01363/VCN
<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 (Pursuant to the variation of condition 7 on planning permission 17/01413/VCN to allow for an amended offsite highway scheme)
<b>Name of Applicant</b>  Eric Wright Construction		<b>Name of Agent</b>  Mr Ed Flood
<b>Decision Target Date</b>  22 January 2019		<b>Reason For Delay</b>  Officer Workload and Planning Committee Cycle
<b>Case Officer</b>		Mr Mark Potts
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approval (on the assumption of a resolution with the Highway Authority regarding the precise amended wording for condition 7).

## **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 0.9 hectares. Planning consent was granted in January 2017 for a new student village and amended in January 2019 under application 18/00820/FUL. 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 60 metres wide and 120 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\* Listed 38-42 Parliament Street are located 60 metres to the west of the proposal, and Skerton Bridge which is Grade II\* Listed 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 (BHS) 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 A planning application under application 16/01084/FUL was granted consent in January 2017 for the erection of a new student village (as amended under application 17/01413/VCN). It was a conditional consent, and one of the conditions related to a scheme for off-site highway works:

*'Notwithstanding the details submitted, within 6 months of the date of this decision notice a scheme for the construction of off-site highway improvement works as shown conceptually on drawing: External Highway Works Servicing Arrangements drawing number SK21654-001 Revision D (25th November 2016) shall be submitted to, and approved in writing by, the local planning authority in consultation with the Highway Authority. For the avoidance of doubt, and in addition to those measures as contained on the plan the scheme shall include;*

- o Relocation of residents parking to the eastern side of Bulk Road including the removal of the short stay parking to provide vehicle access and the loading bay;*
- o Bus Boarding Area and bus stop improvement on Bulk Road;*
- o Shared space treatment at the junction of Bulk Road and St Leonards Gate including kerb realignment and extension of footways;*
- o The various servicing areas (including loading bays);*
- o Provision of footway on Caton Road;*
- o Measures to control vehicle speeds to include traffic calming measures on St Leonards Gate;*
- o Extension of the footways, pedestrian crossing facilities (to include dropped kerb, tactile paving and push button facilities) together with the extension of the footway provision to provide continuous level surface for pedestrians, including the retention of the left turn closure from Caton Road.*

*No part of the development hereby approved shall be occupied until the approved off-site highway works are constructed and completed in accordance with the agreed scheme details, unless an alternative timetable for implementation has first been agreed with the local planning authority.*

*Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site, in the interests of highway safety and to encourage sustainable transport modes.*

- 2.2 The applicant seeks to amend the wording of the condition as proposed below:

*'Notwithstanding the details submitted, a scheme for the construction of off-site highway improvement works shall be submitted to, and approved in writing by the local planning authority in consultation with the highway authority. For the avoidance of doubt the scheme shall include:*

- The various servicing areas (including loading bays);*
- Provision of footway on Caton Road;*

- *Extension of footways, pedestrian crossing facilities (to include dropped kerb, tactile paving, and push button facilities) together with the extension of the footway provision to provide continuous level surface for pedestrians, including the retention of the left turn closure from Caton Road.*

### 3.0 Site History

3.1 The most relevant planning history is detailed below.

Application Number	Proposal	Decision
18/00820/FUL	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	Approval at 7 January 2019 Planning Committee
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

### 4.0 Consultation Responses

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

Consultee	Response
County Highways	<b>No objection</b> in principle to the applicant's proposal subject to modifications to the existing Traffic Regulation Order on Bulk Road and the re-introduction of the bus boarding area and bus stop improvements on Bulk Road.

### 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 the first quarter of 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council in late 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  
SC5 – Design Quality  
SC6 – Crime and Community Safety  
ER2 – Regeneration Priority Areas

## 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  
DM35 – Key Design Principles  
Appendix B – Car Parking Standards  
Appendix D – Purpose Built and Converted Shared Accommodation  
Appendix F – Studio Accommodation

## 7.0 Comment and Analysis

- 7.1.1 The application is made under Section 73 of the Town and Country Planning Act, and seeks to modify the wording and requirements of a planning condition associated with off-site highway works in connection with the planning permission. The wording of the condition is noted below:

*‘Notwithstanding the details submitted, within 6 months of the date of this decision notice a scheme for the construction of off-site highway improvement works as shown conceptually on drawing: External Highway Works Servicing Arrangements drawing number SK21654-001 Revision D (25th*

November 2016) shall be submitted to, and approved in writing by, the local planning authority in consultation with the Highway Authority. For the avoidance of doubt, and in addition to those measures as contained on the plan the scheme shall include;

- i Relocation of residents parking to the eastern side of Bulk Road including the removal of the short stay parking to provide vehicle access and the loading bay;
- ii Bus Boarding Area and bus stop improvement on Bulk Road;
- iii Shared space treatment at the junction of Bulk Road and St Leonards Gate including kerb realignment and extension of footways;
- iv The various servicing areas (including loading bays);
- v Provision of footway on Caton Road;
- vi Measures to control vehicle speeds to include traffic calming measures on St Leonards Gate;
- vii Extension of the footways, pedestrian crossing facilities (to include dropped kerb, tactile paving and push button facilities) together with the extension of the footway provision to provide continuous level surface for pedestrians, including the retention of the left turn closure from Caton Road.

No part of the development hereby approved shall be occupied until the approved off-site highway works are constructed and completed in accordance with the agreed scheme details, unless an alternative timetable for implementation has first been agreed with the local planning authority.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site, in the interests of highway safety and to encourage sustainable transport modes.

7.1.2 Members may recall that Officers from the City and County Councils invested significant time and resource with respect to the original grant of consent to secure an off-site highway improvement scheme that was characteristic of the high quality design that was proposed as part of the wider development. The extant condition was put forward by the County and City Councils and this was accepted by the developer. The developer has been discussing the extent of the off-site highway works with the County Council for some time. The various parts of the condition that are seeking to be amended are noted below, but for clarity the applicant is amenable to parts iv, v and vii as noted above.

7.1.3 Relocation of residents parking to the eastern side of Bulk Road including the removal of the short stay parking to provide vehicle access and the loading bay

The rationale for the inclusion of this originally was down to the requirement to allow for the main access to the site to be created and ensure that those leaving the site has sufficient visibility splays. The Highway Authority has responded that this is no longer required given the disruption it may cause to local residents. However, it will still be necessary to make some amendments to the existing Traffic Regulation Orders (TRO) on the west side of Bulk Road to accommodate the new access and to introduce a new Loading Bay TRO. There will need to be amendments to the drawings for this, though this will be determined via the Section 278 process.

7.1.4 Bus boarding area and bus stop improvement on Bulk Road

The applicant had sought to remove the requirement for a bus boarding area and bus stop improvements on Bulk Road. However, no rationale has been submitted as to why. The Highway Authority still requires there to be an improvement (no shelter currently exists), although the case officer has concerns as to whether the footway is wide enough to accommodate a shelter in this location. Whilst the site is in a sustainable location, this is a large development of over 650 bedrooms and therefore it is still reasonable to request that this is undertaken in accordance with the terms of the original planning consent.

7.1.5 Shared space treatment at the junction of Bulk Road and St. Leonard's Gate including kerb realignment and extension of footways

The major disappointment to Officers is the loss of the shared space treatment at the junction of Bulk Road and St Leonards Gate including the kerb realignment and extension of the footways. The approved development included quite a significant amount of shared space to the south of the site with the intention for the positives associated with the redevelopment of the site to have a lasting

legacy in terms of this junction. Shared space essentially involves the removal of features such as kerbs, road surface markings, designated crossing places and traffic signs. The one fundamental shift in shared space has been the withdrawal on 8 August 2018 of the Government's Guidance on shared space. Given the change in policy backdrop the Highway Authority no longer requires this, and the applicant has proposed a more formalised, conventional pedestrian crossing facility which they support. Officers are naturally disheartened with this as whilst they are supportive of the benefit associated with the redevelopment of the site, a major planning gain was the public realm improvement at the junction of the Bulk Road and St Leonards Gate. In view of this some enhanced treatment is a necessity to compensate for this loss and Officers are liaising with the applicant's agent in this regard. The use of a Marshalls La Linia Block Paviour is being considered at present which has worked well elsewhere (Lancaster Community Fire and Ambulance Station).

#### 7.1.6 Measures to control vehicle speeds to include traffic calming measures on St. Leonard's Gate

A further requirement of the condition was that measures to control vehicle speeds on St Leonards Gate should have been proposed. Members may recall that as part of the consideration of planning application 18/00885/VCN (conversion of St Leonards House to student accommodation) a raised table was proposed at the junction of Phoenix Street and St Leonards Gate and this is to be in place prior to October 2019. There is confidence that this will be put in place as Robertson Group have made significant progress on the conversion of St Leonards House to student accommodation. In view of this it would now be unreasonable to suggest that the same condition is proposed on this application, and therefore this element of the condition can be removed. The Highway Authority is also amenable to the change.

#### 7.1.7 Pedestrian Crossing Caton Road

Members will recall at the Planning Committee meeting on 7 January 2019, Phase II of the development (18/00820/FUL) was approved subject to the resolution regarding the pedestrian crossing on Back Caton Road. Dialogue is still ongoing between Officers from the County and City Councils with regards to this element of the works. However, for Phase I of the development, the cross route footpath is not included within this footprint, and therefore will be part of the phase II works.

7.1.8 The Highway Authority has raised some concern that this submission only caters for Phase I of the works and not Phase II. Whilst Phase I is being built out, Phase II has been amended by planning permission 18/00820/FUL. As yet it is unclear whether the approved variations will be implemented, or the original scheme, but in reality given construction and operational issues, the applicant will have to implement the amended scheme.

#### 7.2. Planning Conditions

There are still a number of planning conditions associated with the development that do require to be formally submitted and discharged, and work has been ongoing with the applicant for a long period of time regarding submission of details as the scheme develops. It is necessary as this application results in the grant of a new planning consent to re-impose conditions where needed, and these are outlined in the recommendation section of this report.

### 8.0 Planning Obligations

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

### 9.0 Conclusions

9.1 Officers are naturally disappointed that the high quality public realm improvements on Bulk Road / St Leonards Gate cannot come to fruition due to the Government's change in stance to delivering shared surface schemes. Equally Officers do not wish to promote a highway proposal that raises safety concerns. One benefit of this application involves not having to relocate the resident parking to the eastern side of Bulk Road in the manner that was initially envisaged, which should cause residents less disruption. The works associated with traffic calming on St Leonards Gate/Phoenix Street are being addressed by application 18/00885/VCN at St Leonards House, and given St Leonards House is closer to the location of these works it is considered unreasonable to require them of the applicant here. On balance Officers are supportive of the changes proposed as part of

this planning application and can offer support subject to the agreement of the Highway Authority on the proposed modified condition for off-site highway works which shall be phased in the event application 18/00820/FUL is not implemented.

### **Recommendation**

That subject to reaching an agreement with the Highway Authority regarding the precise wording of amended condition 7, this Section 73 application **BE GRANTED** subject to the following conditions:

1. Approved Plans List
2. Written Scheme of Investigation
3. Surface Water Drainage
4. External Refuse Enclosures, Drop Off places, cycle storage,
5. Television and Reception Condition
6. Highway Access Drawings
7. Offsite highway works as per this permission
8. Scheme for ventilation system
9. Landscaping Scheme
10. Public Realm Surfacing and Landscaping
11. Materials
12. Development in accordance with full Construction Environment Management Plan (CEMP)
13. Restriction on clearance of vegetation – Bird Breeding Season
14. Finished Floor Levels
15. Development in accordance with phasing plan
16. Noise Mitigation measures
17. Crime prevention methods
18. Sustainable Energy Measures
19. Flood Waring and Evacuation Plan
20. Communal Satellite System
21. Façade Cleaning
22. Travel Plan
23. Delivery , servicing and maintenance plan
24. Foul Drainage Scheme
25. Contaminated Land Assessment
26. Restriction on soils being brought to site
27. Development in accordance with AIA
28. Development in accordance with approved FRA.
29. Restriction to students
30. Removal of PD rights
31. Lighting detail.

### **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.