

Agenda Item A10	Committee Date 4 March 2019	Application Number 18/01543/VCN
Application Site Luneside East St Georges Quay Lancaster Lancashire	Proposal Demolition of existing mill building, erection of 3 buildings comprising ground floor ancillary uses (Classes A1-A4, B1a, D1 and D2) and student accommodation above and 1 building of student accommodation, conversion of existing pump house to a mixed use communal facility (Classes A2, B1a and D1), and associated access, parking, servicing and landscaping / public realm works (pursuant to the variation of conditions 2 and 17 on planning permission 16/00574/FUL to reconfigure the layout of the student accommodation to provide additional student bedrooms in Blocks B and C, smaller cluster flats to Blocks A and D and associated changes to the elevations including the insertion of perforated metal sheets to windows openings, and to revise the trigger for completing the remediation and validation process)	
Name of Applicant Luneside East Limited	Name of Agent Mrs Rachael Oldroyd	
Decision Target Date 7 March 2019	Reason For Delay n/a	
Case Officer	Mrs Jennifer Rehman	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The proposal description reflects that used for the extant planning permission (16/00574/FUL) to which this application relates.
- 1.2 The 1.47 hectare application site relates to the remaining parcel of land on the Luneside East Development area located off St George's Quay, Lancaster. This was a 6.6ha triangular site with a long history of industrial use, including the town's gasworks and other contaminative uses. As such, the land has been recognised as one of the Council's Regeneration Priority Areas for some considerable time.
- 1.3 The land is bound by the West Coast Main Line to the east, the River Lune to the north and Persimmon Homes' residential development to the south and west. Beyond this land lies the wooded embankment of the former Lancaster to Glasson railway line. Carlisle Bridge represents a key gateway feature of the city especially from the railway line but also from western areas of Lancaster along the Quayside. It also forms the boundary with the Lancaster Conservation Area. The Conservation Area extends eastwards covering St George's Quay (from Carlisle Bridge) and southwards covering most the city centre. To the south of Quay Meadow, Vicarage Fields enjoys

Schedule Ancient Monument status and beyond this, the Castle and Priory are Grade I Listed. The majority of the historic buildings along St Georges Quay to the east of the site are also listed.

- 1.4 The application site is intersected by St George's Quay. Land on the north side of this road previously occupied poor quality modern buildings and temporary structures associated with earlier business uses. This land is now vacant and fenced off and has recently been used as a compound/car park during the remediation of the wider Luneside East site. Land to the south of St George's Quay comprises predominately cleared land with the Pump House remaining in situ. Access to the application site would have been via the archway of the St George's Works Mill Building and the main gated entrance further west (outside the application site).
- 1.5 Directly north of the site lies the River Lune. This body of water enjoys County Biological Heritage Site status. As it opens up into the Lune Estuary approximately 2km to the south west, it enjoys protection nationally (as a Site of Special Scientific Interest) and by European nature conservation legislation, being designated as Morecambe Bay Special Protection Area (SPA), RAMSAR Site and Special Area of Conservation (SAC). There is a Tree Preservation Order - Number 531(2014) - that is relevant, and it covers the large groups of trees along the southern and eastern boundaries of the wider site. These are located outside the application site. This is protected open space within the Local Plan. The site also lies within flood zones 2 and 3.
- 1.6 The site is located within walking distance of the city centre, the bus station and the railway station. There are two principal access routes to the site; one via St George's Quay and the other via Lune Road/West Road/Meeting House Lane. Bus services run past the site providing a regular service between the site and Lancaster Bus Station. Other bus routes serve the nearby Marsh residential area. There is a direct cycle link to Lancaster Station from Long Marsh Lane and St George's Quay, and New Quay Road (an extension of St George's Quay to the west) forms part of the District's Strategic Cycle Network.
- 1.7 The site is designated as a Housing Opportunity Site in the saved Local Plan. A Development Brief for the wider Luneside East site was adopted in 2000 and revised in late-2004. This set out in detail the Council's vision for this site at that particular time.

2.0 The Proposal

- 2.1 The application proposes the variation of conditions 2 and 17 on extant planning permission 16/00574/FUL. The extant permission relates to the redevelopment of the last remaining parcel of the Luneside East development area for the demolition of the existing mill and the redevelopment of the site for student accommodation (419 beds) with associated ancillary and commercial uses, public realm improvements, car parking and access (including the retention and conversion of the Pump House). The proposed variations would enable a change to the internal configuration of the approved scheme along with associated alterations to the approved elevations (controlled by Condition 2), and to allow for work to proceed on the remainder of site whilst remediation is carried out in the area underneath the former mill footprint (Condition 17). There will be no changes to the building envelope, siting, scale or massing of the approved scheme and, although reference is made to the number of approved bed spaces in this paragraph, this is for purposes of clarity only and was not restricted by condition or within the description of development.
- 2.2 For ease of reference, Condition 2 required:

'The development hereby permitted shall be carried out in accordance with the following submitted approved plans:

Proposed Site Plan (AND RED/BLUE EDGE) Dwg No: S-AL1.01 Rev M dated 09.09.2016	
Block A Elevations Sheet 1	Dwg No: A-AV1.01 Rev G dated 14.07.2016
Block A Elevations Sheet 2	Dwg No: A-AV1.02 Rev G dated 14.07.2016
Block A Levels 00-04	Dwg No: A-AL1.01 Rev I dated 29.09.2016
Block B Elevations Sheet 1	Dwg No: B-AV1.01 Rev D dated 17.03.2016
Block B Elevations Sheet 2	Dwg No: B-AV1.02 Rev D dated 17.03.2016
Block B Levels 00-03	Dwg No: B-AL1.01-Rev E dated 17.03.2016
Block B Levels 04 & 05	Dwg No: B-AL1.02 Rev E dated 17.03.2016
Block C Elevations	Dwg No: C-AV1.01 Rev C dated 25.01.2016
Block C Levels 00-02	Dwg No: C-AL1.01 Rev D dated 25.01.2016

Block D Elevations Sheet 1	Dwg No: D-AV1.01 Rev F dated 24.03.2016
Block D Elevations Sheet 2	Dwg No: D-AV1.02 Rev F dated 24.03.2016
Block D Levels 00-04	Dwg No: D-AL1.01 Rev F dated 24.03.2016
Block D Levels 05-Roof	Dwg No: D-AL1.02 Rev D dated 24.03.2016
Proposed Pump House	Dwg No: P-AL1.01 dated 20.01.2016
Site Sections	Dwg No: S-AX1.D1 Rev F dated 24.03.2016
Cycle Store Elevations	Dwg No: AD01 dated 14.07.2016
Demolition Plan	Dwg No: AS1.01 dated 29.04.2016

St Georges Quay: Traffic Calming / Limits of Adoption: Sweco Figure 5 Rev B dated 15.07.2016

or any amended plans subsequently approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.'

2.3 Condition 17 required:

'Following the demolition of the Mill Building permitted by this permission, no further development shall occur until the following measures have been implemented:

(a) The footprint of the Mill Building has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the local planning authority (LPA). In addition, for the remainder of the application site, a Preliminary Risk Assessment (Desk Study) utilising existing data and updated as appropriate for the proposed development, shall be submitted to and agreed by this authority. Utilising existing data a Site Investigation/Risk Assessment report and Remediation/Verification report must be submitted to and approved by this authority. This should be updated, as necessary, to compare the compiled data to current standards and best practice.

(b) In relation to the footprint of the Mill Building, detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation Method Statement) have been submitted to and approved in writing by the LPA.

(c) In relation to the footprint of the Mill Building, the works specified in the Remediation Method Statement have been completed in accordance with the approved scheme.

(d) If during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then remediation proposals for this material shall be agreed in writing with the LPA.

(e) A Validation Report and Certificate, confirming achievement of the Remediation Method Statement's objectives has been submitted to and approved in writing by the LPA, including confirmation of any unforeseen contamination encountered during remediation.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination during construction.'

2.4 The changes proposed to the drawings have been brought about pursuant to fine tuning the scheme at the detailed design stage following the original grant of permission.

2.5 For Block B, 9 additional studio rooms are proposed. Detailed design of the Block included fire engineering works that have removed the requirement for 2 internal staircases. The space gained from this has facilitated a revision to the internal layout, resulting in the introduction of the additional rooms. The overall result will be a block of 131 studio apartments.

2.6 Within Block C, 3 additional cluster bedrooms are proposed. Detailed design of this Block has reduced the size of some previously approved cluster flats (not individual bedroom sizes), including a reduction in the size of their respective kitchen areas. There remain 9 cluster apartments, albeit there is an overall uplift to 45 bedrooms (from 42 bedrooms).

2.7 Within Blocks A and D, the approved cluster flat arrangements have been revised to create smaller clusters of 4, 5 and 6 rooms, along with the addition of 20 studio rooms. There would be no overall uplift in room numbers within these blocks.

2.8 The above changes would require associated elevational alterations, with windows required to be in slightly different locations. In addition, due to modern building insulation requirements, and

experience of schemes elsewhere, the applicant has indicated the need for some windows to be fully opening. This would have safety implications, particularly at upper levels, and as such it is proposed to install perforated metal panels across the opening part of the window apertures. Details have been provided with the application as to the general appearance of the proposals, however, any works would be subject to prior approval of the specific materials.

- 2.9 No substantive changes are proposed to the ground floor communal/administrative/commercial areas, albeit some doorways and window locations have changed as a result of the removal of the internal staircases.
- 2.10 All other conditions imposed on the original permission (16/00574/FUL) would be applicable to this application. They would be repeated on the decision notice as originally worded unless otherwise agreed. As the applicant is currently in the process of discharging the original conditions, so if the original conditions have been satisfactorily addressed prior to the issuing of this decision (if Members approve the application) this would be reflected in the wording of conditions on the decision notice for this application and any approved details referenced accordingly.

3.0 Site History

- 3.1 The most recent and relevant applications are:

Application Number	Proposal	Decision
19/00008/DIS	Discharge of conditions application for conditions 16 and 26 on planning permission 16/00574/FUL	Pending
18/00192/DIS	Discharge of conditions application for conditions 6, 7, 17 and 21 on planning permission 16/00574/FUL	Pending
18/00178/DIS	Discharge of conditions application for conditions 12, 13 and 14 on planning permission 16/00574/FUL	Pending
16/00574/FUL	Demolition of existing mill building, erection of 3 buildings comprising ground floor ancillary uses (Classes A1-A4, B1a, D1 and D2) and student accommodation above and 1 building of student accommodation, conversion of existing pump house to a mixed use communal facility (Classes A2, B1a and D1), and associated access, parking, servicing and landscaping / public realm works	Approved

4.0 Consultation Responses

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

Consultee	Response
Environmental Health Service (Waste Management)	Recommendations for bin store requirements
County Highways	No objection
Lancaster Civic Society	Objection for the same reasons given in their response to application 16/00574/FUL - inappropriate site for student accommodation, poor relationship with adjacent developments, lack of public open space, overwhelming massing, totally out of character, uninspiring design, the proposal is not appropriate or of sufficient merit, and the proposal has an adverse impact on heritage assets
Fire Safety Officer	The scheme should be designed to meet Part B5 of the Building Regulations.
Lancashire Constabulary	No response received
LCC Conservation Officer	No response received

Lancashire Archaeological Advisory Service	No objection
Historic England	No comments to make
Environment Agency	No Objection to the proposed variations

5.0 Neighbour Representations

5.1 No neighbour representations have been received in respect of this application.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework:

Paragraphs 7-14 – Achieving Sustainable Development
Paragraphs 117-123 – Making Effective Use of Land
Paragraphs 124-132 – Achieving Well Designed Places
Paragraphs 178-183 – Ground Conditions and Pollution
Paragraphs 184-202 – 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 District Core Strategy (2008)

SC1 Sustainable Development
SC5 Achieving Quality in Design
ER1 Higher and Further Education
ER2 Regeneration Priority Areas

6.4 Saved Lancaster District Local Plan

H3 Housing Opportunity Site

6.5 Development Management Plan DPD (2014)

DM32 The setting of Designated Heritage assets
DM35 Key Design Principles
DM46 Accommodation for Students

6.6 Other Considerations

Draft Preferred Options Land Allocations DPD

Whilst Supplementary Planning Guidance and Documents (SPGs and SPDs) do not form part of the Development Plan, they are a material consideration. The following are relevant:

- Supplementary Planning Guidance 4 (Luneside East Development Brief – September 2004)

7.0 Comment and Analysis

- 7.1 The changes proposed pursuant to Condition 2 do not alter the principle of the approved development. The scale, mass and siting of the approved buildings will not change, neither will the use.
- 7.2 The proposals would result in an overall uplift of 12 student bed spaces. There is no condition on the number of bed spaces that are to be provided within the development. The uplift would not conflict with any policy considerations and would not compromise the quality or size of the individual student bedrooms (either part of cluster flats or studio rooms).
- 7.3 The changes to the internal configuration of Block B, principally the removal of 2 staircases, would not result in an unsatisfactory form of development. The internal fire safety arrangements for the property will need to conform with Document B, Part B5 of the building regulations.
- 7.4 The changes to the elevations, in terms of location of window openings, are a result of the reconfiguration of bedroom locations. Again, these are not considered to be of a significant nature and would not dramatically change the overall appearance of the development. Similarly, there are minor modifications to the location of escape doors at ground floor level and the arrangement of the ancillary, administrative and commercial areas.
- 7.5 The application includes for the introduction of fully opening windows to the bedrooms. This change is proposed to ensure sufficient non-mechanical ventilation to each of the rooms. The developer's experience on other student housing schemes has highlighted that, due to the efficiency of modern building insulation, study bedrooms could become unbearably warm with little potential for fresh air circulation. It would be possible to run a mechanically ventilated system throughout the building, but it is much more sustainable to allow for opening windows and natural ventilation.
- 7.6 There is a safety concern associated with installing fully opening windows, particularly at higher levels, and as such the applicant proposes to utilise perforated metal screening as a safety measure. This will also become a design feature on the building elevations. The proposals have been considered against Policies DM35 and are considered to be acceptable in principle subject to a condition requiring the submission and approval in writing of the detailed design of the proposed screening.
- 7.7 Changes to Condition 17 are proposed so as to enable the development to progress whilst remediation is carried out in an area underneath the mill footprint. The site is relatively large (1.47 hectares), and there are four distinct areas of works proposed. An amendment to this condition would not conflict with adopted policy or the reasons for imposing the condition in the first instance, and represents a reasonable and pragmatic approach to the phased development of the site.
- 7.8 A Phase 2 Site Investigation Report (December 2018) has already been submitted by the applicant to address the requirements of Condition 17 and the Environment Agency has confirmed in writing that they are satisfied with the approach proposed, stating that the site would not pose a risk to controlled waters. In light of this, subject to ensuring Condition 17 is reworded so as to ensure the works are undertaken as proposed, there is no reason to prevent other development on the site being undertaken while the remediation works progress.

8.0 Planning Obligations

- 8.1 The permission that would result from the proposed variations would be a planning permission in its own right and as such would need to be subject to the same S106 obligations as the extant permission. The original s106 agreement includes provisions to ensure obligations set out within it are secured against the initial planning permission and subsequent planning consents granted under section 73.

- 8.2 As the proposal is for student accommodation there are no requirements for on-site or off-site contributions towards affordable housing. A condition controlling the occupation of the residential development to students will be required otherwise such contributions would be required. The same applies to education contributions.
- 8.3 The applicant is willing to contribute towards the provision of improved pedestrian links to Quay Meadow. A contribution of £19,000 to deliver a hard surfaced pedestrian footway from River Street, through the wooded part of Quay Meadow to the main recreational fields has been secured, including associated tree works and the provision of new benches and interpretation boards within Quay Meadow.
- 8.4 In addition, as the access and internal road serving the south element of the scheme is not included within the red edge, but has planning permission under the Persimmon scheme, the applicant is accepting of an undertaking for the developer of this scheme to provide the access and road if the Persimmon scheme is not implemented in advance of this development. The undertaking requires the developer to implement the road prior to the commencement of the development of Block C or the conversion of the Pump House.

9.0 Conclusions

- 9.1 The principle of the development has been established pursuant to extant planning permission reference 16/00574/FUL. This application proposes the variation of Conditions 2 and 17 so as to allow for changes to the internal configuration of student bedrooms following the detailed design of the buildings, including associated elevational alterations; the introduction of fully opening windows and associated introduction of perforated metal screening; and, a variation to the trigger for implementing development, allowing for works to progress in advance of remediation being undertaken in the location of the former mill for which a detailed analysis and schedule of proposed works has been submitted to and agreed in writing by the Environment Agency.
- 9.2 All other conditions imposed on the extant permission would remain as originally worded and would be included in the decision notice for this application. Some changes to the wording of conditions may be required in instances where details have been submitted to, and approved in writing by, the Local Planning Authority subject to the original conditions. In such instances, reference would be made instead to the details approved, ensuring development is undertaken in accordance with the same.

Recommendation

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

1. 3 year Time Limit
2. Approved Plans List (to reflect new plans)
3. Phasing Plan
4. Standard Demolition
5. Submission of Construction Environment Management Plan (CEMP)
6. Access details
7. Notwithstanding details a submitted scheme for off-site highway works to be delivered
8. Submission of car parking management strategy
9. Travel Plan
10. Details of all external materials & detailing (brickwork including mortar and pointing; junctions between approved materials; rainwater goods; roofing detailing; window and door details; curtain glazing details)
11. Drainage on separate systems
12. Full details of foul and surface water drainage scheme to be agreed
13. Maintenance and management plan of drainage scheme
14. Finished flood levels to be agreed
15. Scheme for the protection of noise transmission between residential and commercial spaces including acoustic insulation and details of plant and rating levels.
16. Construction Noise – pile driving
17. Site Investigation (referencing details submitted to date and allowing development of the remainder of the site to commence prior to remediation in the area of the mill)
18. Importation of Soil, materials and hard-core

19. Development to be carried out in accordance with the Ecological Report – precautionary bat/bird surveys to be carried out before demolition. Scheme for mitigation to be included and agreed.
20. Tree Protection Measures
21. Sub-station details (position, appearance and enclosure details)
22. Restriction of operating hours and hours of use of external space for the commercial elements of the scheme.
23. Scheme for the management and maintenance of the public realm and landscaping areas, including the external gymnasium
24. Precise soft and hard landscaping details including schedule for re-use of stone to be submitted and agreed
25. Details of external lighting
26. Details of external refuse enclosure and refuse strategy to be agreed
27. Scheme for crime prevention measures including details of CCTV and access arrangement for the student accommodation including use of public realm under the arches.
28. Scheme for Odour Control (for any A3/A4) uses
29. Notwithstanding the details submitted, the location of the two electric charging bays to be agreed and shall be located outside the adopted highway
30. Development to be carried out in accordance with the FRA
31. Parking provision and cycle provision to be provided in accordance with approved layout drawing
32. Development to be carried out in accordance with glazing and ventilation specifications set out in Noise and Vibration Report
33. No amplified external music unless otherwise agreed with the LPA
34. Hours of Construction
35. Student Use condition
36. Commercial Uses (as applied for only) removing commercial PD
37. Commercial Space to Block A to remain ancillary to the student accommodation
38. No single operator to occupy the ground floor commercial space indicated on drawings for each Block
39. Maximum commercial unit size limited to 300sq.m
40. Removal of PD (Part 2 Minor Operations Class A) gates, fences and walls
41. Restrict use of flat roofs to prevent sitting out/garden areas
42. No use/occupation until loading bays have been provided

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