

Agenda Item	Committee Date	Application Number
A5	9 December 2019	18/01242/FUL

Application Site	Proposal
50 St Leonards Gate Lancaster Lancashire LA1 1NN	Change of use of community centre (D1) to student accommodation comprising of six 1-bed studios, one 1-bed duplex studio, two 3-bed cluster flats, one 5-bed cluster flat and three 6-bed cluster flats (C3) with ancillary communal accommodation including bike store, plant room and common room, together with the demolition of existing external fire escape and flat roof structure above rifle range and the erection of a two-storey roof extension, replacement of existing windows and doors, installation of rooflights and alterations to some existing window/door openings and the provision of an external refuse store and security gate

Name of Applicant	Name of Agent
Mr Carl Rayson	Mr Dan Vedder

Decision Target Date	Reason For Delay
31 January 2019	Awaiting the submission of adequate noise information and its associated assessment

Case Officer	Mrs Jennifer Rehman
Departure	No
Summary of Recommendation	Approve

1.0 The Site and its Surroundings

- 1.1 The application site relates to the buildings occupying the corner of St Leonard's Gate and Phoenix Street, approximately 200 metres northeast of the city centre boundary. The site levels fall quite significantly from St Leonard's Gate toward North Road. The site consists of two distinctly different buildings: a former eighteenth century Merchant's House (facing Phoenix Street) and a later nineteenth century school building fronting St Leonards Gate. Historically the buildings formed part of the Rifle Volunteer Drill Hall. The adjoining Kings Community Church previously used the proposed buildings with an internal lobby access via their main doors on Phoenix Street. The community church have not used the buildings for some time. The internal access has been blocked up and the proposed buildings have laid vacant for some time. The proposed buildings are relatively low-scale (two-storey) and build in traditional sandstone under slate roofs.
- 1.2 The building is located within Lancaster's Conservation Area within close proximity to the Grade II listed St Leonard's House (to the west) and the Grade II listed Gillows Building (to the north west). The Lancaster Conservation Appraisal places the proposed building within the Canal Corridor North Character Area and recognises the proposed and adjoining buildings down Phoenix Street as 'Positive Buildings' (Non-Designated Heritage Assets).
- 1.3 The application site lies within Flood Zone 1 but is close to (within 20 metres) areas within Flood Zone 2 and 3 and areas known to suffer from surface water flooding (to the north and northwest along North Road).

2.0 The Proposal

- 2.1 The applicant seeks planning permission to extend and change the use of the existing building from a D2 community use to student accommodation. The proposal offers a mix of accommodation, ranging from cluster flats to duplex apartments and studios. The accommodation will be split over five floors and will provide a total of 36 student rooms. The breakdown of accommodation is as follows:
- six 1-bed studios;
 - one 1-bed duplex studio;
 - two 3-bed cluster flats;
 - one 5-bed cluster flat, and;
 - three 6-bed cluster flat.
- 2.2 The lower ground floor space proposes communal facilities, including a bike store (34 spaces), laundry, accessible WC, common room, shared workspace room and plant room. Refuse provision is provided externally. The accommodation will have two access points: one off St Leonards Gate and one via a gated entrance through the courtyard/ginnel to the rear of the building off Phoenix Street. Internally the two access points will connect to the main staircase and circulation space.
- 2.3 The upward extension to the building fronting Phoenix Street proposes two additional floors of accommodation. This will sit approximately 4.5m (to the eaves) to 7.5m (to the ridge) above the existing flat roof/stone faced building element. The extension comprises a contemporary addition with a simple gable profile with its eaves sitting below the ridge of the connecting building fronting St Leonards Gate. The extension shall be finished in a black sinusoidal (waving) cladding material with projecting, arched windows that align with the historical window pattern below.
- 2.4 The proposal includes replacement metal framed windows to all existing windows, insertion of roof lights, enlargement of ground floor windows on the Phoenix Street elevation (windows heads raised), together with the demolition of the existing external fire escape and flat roof structure above rifle range (to the rear of the site).

3.0 Site History

- 3.1 There is a limited planning history associated with the proposed site. Pre-application advice was sought from the local planning authority (LPA) in connection with a larger student accommodation proposal. The advice offered indicated that the principle of redeveloping the site for student accommodation was acceptable subject to addressing concerns over the impact on heritage assets and demonstrating that future occupants would not be adversely effected by noise emanating from the neighbouring nightclub (Sugarhouse). Nearby developments at St Leonards House (planning permission 16/01155/FUL and 18/00885/VCN) and The Gillows, 23-25 North Road (planning permission 16/00274/FUL, 17/00770/RCN and APP/A2335/W/17/3192525) are relevant to this case (in respect of the assessment of noise).

4.0 Consultation Responses

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

Consultee	Response
Environmental Health Service (Noise)	Initial objections and concerns have now been addressed. The Councils' EHS no longer object subject to the mitigation strategy set out in the applicant's final assessment being implemented.
Environmental Health Service (Air Quality)	No objection to the application subject to the provision of a positive input ventilation system
Conservation	No objections to the principle of bring this building back into a beneficial use in order to enhance the significance and appearance of the Conservation Area. However, there remains concerns over the increased height of the building and the materiality of the roof extension. Concerns have also been raised over the design of the new windows and the implications of the internal arrangements and the number of roof lights to the front elevation. Subject to addressing these concerns (through the

	submission of amended plans) a number of conditions are recommended (materials/samples/precise details of doors/windows/rooflights roofing detail and rainwater goods/flues/vents.
Civic Society	No objections to the principle of bringing this derelict site back into use, but maintain a concern over the increasing number of conversions into student accommodation. The Civic Society is comfortable with the blend of traditional facades and fenestration with more modern roofing features, but feels the roof extension needs to be a storey less to avoid it being overly dominant and have expressed concerns over the amenity standards for the studios facing into the courtyard.
County Archaeology	No objection subject to the imposition of a building recording condition.
Lead Local Flood Authority	No objection
United Utilities	As the proposal is effectively a change of use, United Utilities would not provide comment.
County Highways	No objection subject to the following conditions: <ul style="list-style-type: none"> • Provision of cycle storage • Construction Method Statement • No large construction vehicles before 09.30 and after 15.00 • Refuse storage to remain in the confines of the site • Pre and post development highway condition surveys to be carried out.
Greater Manchester Ecology Unit (GMEU)	No objections subject to a condition limiting works within the main bird breeding season.
Lancashire Fire Service	No objections to the principle of the development. The Fire Service have provided standard advice relating to Part B5 of Building Regulations relating to access and facilities for the Fire Service.
Lancashire Constabulary	No objections subject to security recommendations including the provision of CCTV, secure access controls, appropriate external lighting, appropriate boundary treatments and secure refuse areas.
Lancaster City Council Waste Management Officer	Advised the level of refuse provision should be: <ul style="list-style-type: none"> • 2 x 1280 litre bins • 3 x 360 litre bins
City Council (Engineers)	No comments received within the consultation period.
Renew Planning on behalf of Lancaster University Students Union (LUSU)	5 representations have been received from LUSU in response to each iteration of the applicant's acoustic assessments and reports. LUSU has maintained an objection to the proposal throughout the determination period of this application. In summary, their main concerns relate to the robustness of the assessments undertaken (methodology, consistency and survey effort) and the adequacy of the mitigation strategy to demonstrate the proposal would not affect the continued operation of the Sugarhouse nightclub, with particular regard to low frequency noise. LUSU has maintained concerns over the lack of detail in respect of the proposed ventilation strategy to deal with purge ventilation and overheating. The majority of their concerns have been addressed in the latest acoustic report save for the following two points: <ul style="list-style-type: none"> • Lack of clarity in relation to how the proposed devolvement will deal with ventilation and overheating – LUSU states that the applicant must confirm that openable windows are not required to provide this. • On the matter of the referenced noise surveys, LUSU has noted in the Martec report that the survey undertaken on 5 May was not predicated on any officially confirmed attendance figure (unlike the others). LUSU states that it has already been conceded in these reports that the other survey events were considerably below the maximum 1384 venue capacity. LUSU is querying whether the survey effort undertaken is truly representative of an assumed worst-case position.

5.0 Neighbour Representations

5.1 At the time of compiling this report no public representations have been received.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Section 2 – Achieving sustainable development
Section 4 – Decision making
Section 5 – Delivering a sufficient supply of homes
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 natural environment

6.2 Local Planning Policy Overview – Current Position

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

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

The Examination Hearing Sessions took place between the 9 April 2019 and the 1st May 2019. The Council published the proposed Main Modifications to the Local Plan and carried out an eight-week consultation process that expired on the 17 October 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.

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.

Given the current stage of both DPDs, it is considered that some weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC4 – Meeting the District's Housing Requirements
E1 – Environmental Capital
SC5 – Quality in Design

6.4 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM27 – Protection and Enhancement of Biodiversity
DM30 – Development affecting Listed Buildings
DM31 – Development affecting Conservation Areas
DM32 – The Setting of Designated Heritage Assets
DM35 – Key Design Principles
DM37 – Air Quality
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM46 - Accommodation for Students

6.5 Strategic Polices and Land Allocations DPD (Consultation 2017)

Policy EN3 – Lancaster Heritage Action Zone

6.6 Other Material Considerations

- National Planning Practice Guidance;
- Noise Policy Statement for England;
- ProPG: Professional Practice Guidance on Planning and Noise May 2017
- BS8233: 2014 Guidance on Sound Insulation and Noise Reduction for Buildings;
- World Health Organisation: Guideline for Community Noise;

7.0 Comment and Analysis

7.1 The main issues are:

- Principle of student accommodation;
- Noise considerations;
- Heritage considerations;
- Design and amenity considerations;
- Highways;
- Flood risk and drainage; and
- Biodiversity.

7.2 Principle of student accommodation

7.2.1 The proposed site is located on the edge of the city centre in an accessible and sustainable location, surrounded by a number of new student accommodation developments. The Development Plan recognises students form an important component of the District's housing market and contribute to the overall housing supply. Local Planning Policy does not limit student accommodation to the University campuses and accepts the provision of student accommodation in the city where there is good access to public transport and other sustainable modes of transport. Policy DM46 of the Development Management DPD is supportive of new student accommodation provided it delivers an acceptable standard of amenity for future residents, the accommodation is limited to student use only, the proposals preserve and enhance the character and appearance and the setting of heritage assets and all other relevant planning policies are satisfied. The principle of student accommodation is an acceptable land use in this location and does not conflict with the policies contained within the Development Plan.

7.3 Noise Considerations

7.3.1 The proposed development is situated in close proximity (circa 30 metres) to the Sugarhouse student union bar and nightclub and is considered a main source of environmental noise likely to impact the proposed development. Paragraph 180 of the NPPF makes it clear that planning decisions should ensure new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. Policy DM35 of the DM DPD also requires new development to provide an acceptable standard of amenity for future occupants. Paragraph 182 of the NPPF also requires new development to be integrated effectively with surrounding land uses. This is to protect the existing operation of existing businesses and to ensure these existing businesses are not prejudiced in anyway. The applicant (or 'agent of change') must clearly identify the effects of existing business that may cause a nuisance and the likely effects. Where effects are likely to be significant the 'agent of change' must define mitigation to address the potential significant adverse effects. Clearly, decision-makers have to be satisfied with the assessments undertaken and the mitigation proposed are appropriate and deliverable.

7.3.2 For noise sensitive developments, such as this one (residential), designing the scheme to avoid significant adverse effects is the starting point. The applicant has attempted to reduce the exposure to noise by carefully laying out the development in the first instance. For example, most (not all) of the student bedrooms face away from the noise source (Sugar House). Whilst this does not fully negate the

need for mitigation it represents good acoustic design. There are some bedrooms, however, more sensitively located. These include the bedrooms to the rear of the proposed buildings facing Sugar House Alley and those in the roof space of the existing building.

- 7.3.3 Despite recent allegations in the press about the future of the Sugar House, for the purposes of assessing this application, the Sugar House remains operational and has a lawful use as a nightclub. On this basis, the effects of environmental noise deriving from the nightclub during the noise-sensitive period (night-time period) remains a primary planning consideration. The effects of loud music (and in particular low-frequency or bass music noise) is the main source of environmental noise being considered. The effects of environmental noise from the nightclub on student accommodation is well-rehearsed. Both the St Leonards House and The Gillows developments (both closer to the nightclub than the proposed development) were subject to significant scrutiny during the determination of those planning applications. The assessment outcomes and the methodology for assessing the effects of noise on the living conditions of these developments is a material consideration for this application. Both schemes required significant mitigation.
- 7.3.4 The acoustic information supporting this application has been externally assessed by Martec (who also assessed St Leonards House and the Gillows developments) on behalf of the Council's Environmental Health Service. This is partly due to the complexity of the sound considerations associated with the development proposals and to ensure a consistent approach has been adopted. Red Acoustics acting on behalf of the applicant have submitted a number of assessments, which have sought to both assess resultant noise levels at the application site and subsequently recommend a suitable mitigation strategy to ensure that internal sound levels can be achieved and are capable of being controlled. The applicant initially failed to provide a robust assessment. Martec had identified a number of significant deficiencies in the assessments that would impact on the effectiveness of the proposed mitigation strategy which is aimed at achieving 'no observed effect levels' or 'lowest observed effect levels' with particular regard to low-frequency sound.
- 7.3.5 Martec's identified deficiencies largely aligned with the concerns raised by Renew Planning on behalf of the Lancaster University Student Union. The deficiencies included:
1. Suitability of noise measurements – further monitoring of night-club events was required to ensure the baseline position was robust and appropriate mitigation could be designed in. Additional monitoring has been undertaken.
 2. Reverberation times – the use of longer reverberation times when predicting noise levels will lead to a higher predicted internal noise level. Initially, Red Acoustics adopted an internal reverberation time of 0.6 seconds, therefore effectively increasing the internal predicted sound by 0.8dB. This was subsequently adjusted to 0.5 seconds to be consistent with that required for other similar schemes.
 3. Façade or free field measurements – some predictions incorporated a 3dB safety margin whereas others did not. This led to uncertainty in the predictions of measured sound associated with The Sugarhouse nightclub. This was subsequently addressed to allow a 3dB safety margin in all predicted sound levels.
 4. Missing recommendations in respect of the roof and wall elements of the structure – initially Red Acoustics only made specific recommendations for glazing and did not account for sound passing through the walls or roof that could significantly contribute to predicted sound. This issue has been addressed and incorporated in Red Acoustics final report.
 5. The selection of measurements used for the basis of predictions – initially concerns were raised that the 'highest' measured sound levels had not been used to assist with predictions, as they were in the selected methodology of previous schemes. This issue has now been addressed.
- 7.3.6 The above issues have now been addressed and Environmental Health is satisfied that the proposed assessment is robust to inform a suitable mitigation strategy. The proposed mitigation includes a package of glazing and building insulation and the incorporation of a mechanical extract ventilation system. The latter point also addresses potential exposure to traffic pollution. With the incorporation of the proposed sound insulation to the proposed building and windows, recommended internal sound levels can be met. This ensures future occupants of the development will not be subject to unacceptable noise pollution and the operation of the adjacent nightclub would not be compromised. A planning

condition requiring the development to be built out in accordance with the agreed mitigation strategy is necessary to make the development acceptable in planning terms.

- 7.3.7 LUSU has considered the applicant's final assessment and maintain their concerns about the applicant's ventilation strategy, with particular regard to 'purge ventilation' and overheating, and the noise exposure effects this could have on future residents and therefore the effects on the operation of the nightclub. The applicant has confirmed that the windows to the development will be capable of opening for 'purge ventilation'. However, the mechanical ventilation system will provide for heating and cooling within the proposed development. The precise details of the mechanical ventilation system will be the subject of a planning condition. The detail of such must be designed to comply with noise mitigation and should not lead to any additional noise exposure. The outlets for the air handling system are proposed at roof level and not within the elevations facing the nightclub. The Council's Environmental Health Service is satisfied that sufficient mitigation is provided to obviate the need to open windows. Should students wish to open windows either for purge ventilation or simply because this is their preference, this would be to their own detriment.
- 7.3.8 Despite Martec confirming the level of survey effort is sufficient, LUSU remains somewhat concerned that the survey effort may not be representative of an assumed worst-case scenario. This is because the survey undertaken on 5 May was not predicted on any official confirmed attendance figure. LUSU seems to making an assumption that fewer people attending events results in a lower noise level. This assumption is likely to be incorrect as the events where there were fewer people attending were in fact louder. Martec is satisfied that the assessment has been based on a reasonable sample of events to inform a robust assessment and mitigation strategy. Subject to planning conditions controlling the implementation of the mitigation strategy, together with details of the ventilation strategy, it is reasonable to conclude that future occupants of the development are unlikely to be exposed to unreasonable noise impacts. Subsequently, it is unlikely that the development would give rise to actionable noise complaints and that the two land uses (like the other student schemes in the area) can coexist. On this basis, the proposal is considered compliant with the NPPF (paragraphs 180-182) and policy DM35 and DM46 of the DM DPD.

7.4 Heritage Considerations

- 7.4.1 The proposed site is situated in Lancaster Conservation Area, character area 5 (Canal Corridor North). The Conservation Area was designated for its Roman and Medieval origins, which have been overlaid with Georgian and Victorian buildings. There is an overriding low-rise character to the city, with buildings predominantly 2-3 storeys with the domes and spires of public buildings and churches punctuating the skyline. Canal Corridor North area is characterised by its retention of buildings associated with the industrial development of Lancaster from the mid-18th century, with some significant mill buildings located along the canal and warehouses and merchant houses situated near the river. The site occupies a prominent corner position on one of the existing gateways into the city. There are number of important listed buildings close to the development, including the recently developed St Leonards House and the Gillows Building on North Road. Whilst the proposed building is not listed, it is considered a Non-Designated Heritage Asset (NDHA) as it is a late-19th century Sunday School, which includes material from the substantial remodelling and reuse of Robert Lawson's house dating from the 18th century. The significance relates to the development of this area as a quay in the 18th century, retention of Neo-Classical architectural detailing and later reuse of the building. The building is vacant and in a poor condition. As a result, it makes a negative contribution to the character and appearance of the Conservation Area. The redevelopment of the site offers a significant opportunity to improve this.
- 7.4.2 The applicant acknowledges the importance of the building and its surroundings. A detailed and comprehensive Heritage Statement has been submitted together with visuals to show the proposal in a wider townscape context, together with precedent images (of the materials) to help support the approach to the site's redevelopment. The NPPF (section 16) clearly states that when considering the impact of a proposed development on the significance of heritage assets, great weight should be given to the asset's conservation. Fundamentally, local planning authorities should seek to conserve and enhance the significance of heritage assets and ensure development makes a positive contribution to the area. Policies DM31 to DM33 of the DM DPD require new development to be respectful to the character and appearance of the surrounding built form, having particular regard to scale, massing, design, height and materials. Proposals within the setting of heritage assets should seek to make a positive contribution or better reveal significance in order to preserve or enhance the significance of setting. The same principles

apply to Non-Designated Heritage Assets though the weight attributed to the impacts may be less than what would be attributed to Designated Assets.

- 7.4.3 The proposed scheme has been significantly reduced in scale and the design altered substantially from the scheme presented to the Local Planning Authority during pre-application discussions. By in large Officer advice has been taken on board. The conversion and redevelopment of this vacant property will clearly make a positive contribution to the character and appearance of the building itself and the Conservation Area, particularly given its current condition and vacancy. There have been some concerns over the design and finish to the proposed replacement windows - this is partly due to the varying styles across the two buildings. However, the applicant has provided additional information and reassured Officers that the design and finish to the replacements windows can be achieved provided the precise details are controlled and dealt with by planning condition. Ensuring there is some coherence across the windows and that the quality of the replacement windows positively reflects the historic window patterns will be critical at the condition stage. The amended scheme has removed the rooflights from the front roof slope facing St Leonards Gate in order to preserve this principal elevation.
- 7.4.4 The most contentious part of the proposal, relates to the upward extension; its height, materiality and fenestration. The applicant's proposal has been well thought out and has had regard to the history of the building. Prior to a significant fire in the early 1950s, which has left the building with its uncharacteristic concrete flat roof, the building had a dual pitched roof of similar form to the proposal and had the large arched windows. The design of the development has been heavily influenced by this historic form. The approach to the extension is a contemporary one. The use of the black profile metal cladding is to present a contrast to the historical form of the building and is also intended to reflect on the industrial heritage of this part of the city. The visuals provided, together with precedent images of other developments, are helpful to justify the chosen materials. The materials and the fenestration proposed are interesting and provides a pleasant contrast to the existing buildings. It is considered an acceptable approach to the redevelopment of the site.
- 7.4.5 The height of the extension is perhaps more concerning – despite its significant reduction between the pre-application proposals and now. The extension exceeds the ridge height of the building on St Leonards Gate, but the eaves of the extension rest under the ridge. Whilst this will be noticeable in the street scene (along St Leonards Gate) it does not result in an overbearing or overly dominant form of development behind this former school building. The scale of the development also remains subservient to the nearby St Leonard's House and would not detract from the significance of its setting. From viewpoints around St Leonards Gate, it is contended that the less than substantial harm caused by the height of the extension above the former school building would be offset by the benefits of bringing this building back into use and the improvements proposed to the existing building. In this regard the impacts are considered neutral.
- 7.4.6 Views of the extension from North Road and Phoenix Street are perhaps more imposing – this is partly due to the change in levels through the site and the smaller scaled adjoining building. There is also identified harm arising from the alternations to the existing historic window openings (raising the window heads to work with the internal floor levels). To mitigate the impacts the elevations are broken up with strong window features to the Phoenix Street elevation and onto Sugerhouse Alley. This has a strong vertical emphasis and a defined repetitive pattern, which reflects local vernacular – albeit in a modern way. The dual pitched roofs keep the height down and anchors the extension to the building below. The blank elevation that sits adjacent to the former Drill Hall may appear imposing and uninteresting. However, on the contrary, it actually provides a subtle backdrop to better reveal the intricate stonework detailing of the former Merchant's House. The detailing of this will be paramount and again would be the subject of a planning condition.
- 7.4.7 In views from further afield there is no doubt that the scale of the extension will be visible within the wider townscape and will be seen in the backdrop to surrounding listed buildings, such as the Gillows. However, its scale, design and form of the extensions would not result in a disproportionate and incongruous additional to the roofscape to cause harm.
- 7.4.8 Overall, the proposal will lead to less than substantial harm to the significance of the heritage assets. This harm is capable of being mitigated through the use of conditions to ensure the detailing of the development is appropriate and of high quality. The harm is also offset against the public benefits of

bring this important building back into a beneficial use. For this reasons the proposal is considered compliant with national and local heritage related policy.

7.5 Design and Amenity Considerations

- 7.5.1 Achieving high quality design is a key aspect of sustainable development. Paragraph 127 of the NPPF requires new development to function well and add to the overall quality of the area; to be visually attractive; sympathetic to local character and history to maintain a strong sense of place, and; to provide a high standard of amenity for future users. This is reflected in local planning policy DM35 of the DM DPD. The design and appearance of the development has been discussed in the above section having particular regard to the effect of the proposal on the historic environment. The purposes of this section is to focus on the standard of accommodation for future users.
- 7.5.2 The quality and amenity of the proposed accommodation has been the subject of detailed negotiation, both at the pre-application stage and during the consideration of the application. The number of bedrooms have reduced and the arrangements of the accommodation (e.g. size of cluster flats) changed to address early concerns in relation to outlook, access to daylight and general amenity. Policy DM46 makes reference to the relevant appendices in the DM DPD that provide the minimum size and amenity expectations for new development. In short, this requires all en-suite bedrooms within cluster flats to be a minimum of 11 square metres, have access to a shared kitchen/dining space of proportionate size to the size of the cluster flat, have an adequate level of natural light and outlook. For the studios, the accommodation must be a minimum of 19 square metres and again have an adequately level of natural light and outlook.
- 7.5.3 The accommodation in the building fronting St Leonards Gate has been tightly developed with the creation of duplex-type accommodation created over mezzanines and into the roofspace. There are two bedrooms within the cluster flats (in the attic) which would feel a little oppressive. However, the plans evidence this would meet our required standards and whilst the only window is in the form of a roof light, this is at a position on the roof slope which would allow adequate light and outlook. To help offset these impacts, these rooms are within the smaller three bedroom cluster flats with good quality living space. For the accommodation in the extended part of the building, the bedrooms are long and narrow but exceed the minimum size requirements, have adequate circulation space and good access to natural light. The outlook to the lower ground floor rooms and the third floor rooms are compromised slightly by the size and design of the external windows and the internal floor to ceiling heights. Some rooms are proposed with the highest part of the window set below eye level (standard height) meaning occupants could only benefit the outlook if sitting or bending down. Amendments have been sought to improve this arrangement by increasing the height of the arched windows. Whilst this is not ideal, it would not render the accommodation inhabitable and unsatisfactory. Overall, the proposed development satisfactorily addresses the requirements of policy DM46 and supporting appendices and will provide a varied form of student accommodation to an acceptable standard.
- 7.5.4 Policy DM35 requires new development proposals to incorporate appropriate waste and recycling facilities. The scheme has been amended to increase the size of the refuse storage area in accordance with the Council's Waste and Recycling Teams advice. Refuse shall be stored externally in an enclosed structure and shall solely be used in association with the residential use of the site. Collection will be achievable from Phoenix Street via the gated access.
- 7.5.5 Delivering well-planned development is also about ensuring proposals feel safe and secure and minimise the fear and risk of crime. Access into the scheme can be taken from the main entrance on St Leonards Gate and the external gated access off Phoenix Street. The former is located on a primary corridor towards the city on well-lit roads with good surveillance. Phoenix Street is not a particularly active street, partly due to the rear of the adjacent retail park backing onto the street. The gated access into the development off Phoenix Street must be a secure access given the entrance into the scheme from this access point is to the rear of the building via the alleyway between the site and the adjacent church building. External lighting and CCTV will be necessary to safeguard future occupants that choose to use this access instead of the access off St Leonards Gate. To ensure the development is design to be safe and secure for its occupants, an external lighting and security condition is recommended.

7.6 Highway matters

- 7.6.1 The proposed site is situated on the edge of the city centre with good access to public transport and cycle and pedestrian routes between the city and the universities. This will promote and encourage sustainable travel. The site does not provide any vehicular parking, which is typical of many city centre sites. In accessible sites such as this one, there are no planning requirements to provide on-site parking. This would not be possible in any case on this site. It is accepted that for general market housing, there would be a degree of parking required and for this reason, it would be necessary to impose a planning condition restricting the occupancy of the development to students only. Given the nature of the proposed use, the fact the scheme is a car-free development the effects of the proposal on the efficient operation of the local network will be negligible. The most notable traffic generated by the development will be during drop-off and pick-up times at the beginning and end of each academic year. There is minimal space within the extent of the adopted highway to formalise a lay-by for dedicated drop-off and pick-up, but the site currently sits next to a large public car park. Given the scale of the development (less than 40 bedrooms), the impacts on the operation of the highway during these periods would not lead to severe impacts to warrant refusal of planning permission. The Highway Authority has raised no objections to the principle of the development or requirement any form of off-site highway improvements.
- 7.6.2 The main consideration relates to access to local services and facilities and the provision of cycle storage to promote sustainable travel. Between the site and local amenities, services and public transport is a well-connected pedestrian environment, with continuous quality footways and crossing points. The change of use will result in increased footfall but such can be suitably and safely accommodated on the network without increasing highway safety concerns. With regards to cycle provision, the proposed development has been amended and has increased the size of the internal cycle store to accommodate 34 cycle spaces. Whilst the location of this internal store is not ideal, but due to the limited external space around the building and the proposed internal circulation arrangements it is not unreasonable. Overall, the development is considered compliant with the requirements of DM20 and DM22 of the DM DPD. It satisfactorily promotes sustainable travel and is well connected to the city centre.
- 7.6.3 Save for the cycle and refuse related conditions, the recommended conditions from the Highway Authority requiring pre and post highway condition surveys, construction method plans and limiting large construction vehicles during peak times of the highway authority, would not meet the tests of precision, enforceability or necessity. Furthermore, such would and are capable of being managed and controlled via separated environmental or highway-related legislation.

7.7 Flood risk and drainage

- 7.7.1 The current Environment Agency (EA) flood maps indicate the proposed site falls within flood zone 1 - an area at the lowest risk of flooding. This fully accords with the flood risk sequential test embedded in national and local planning policy. Whilst the site itself is not at risk of flooding it is acknowledged that immediately south-west, west and north-west are areas of the city that fall within flood zone 2 and in areas affected by surface water flooding. The application has been submitted with a detailed Flood Risk Assessment (FRA). This has assessed all potential sources of flooding. Critically it identifies the proximity of the site to the River Lune, which is affected by tidal events. It was also drafted on the basis that a very small corner of the site fell within flood zone 2. This was also the case when the Strategic Flood Risk Assessment was undertaken. Since then the EA maps have been updated.
- 7.7.2 The proposed development largely comprises the change of use of an existing building from a D2 use to a residential use, which would be more vulnerable to the risk of flooding if the site was located in a flood risk area. Evidence provided in the FRA (from the EA) indicates that the site falls outside the flood extents of tidal events in both defended and undefended scenarios. For fluvial flooding the site would not be subject to flooding from any 1 in 100 year event or 1 in 100 year event plus 30% climate change allowance. The modelled flood levels in the 1 in 100 year plus 30% are 7.55mAOD for a 1 in 100 plus 35% it is 7.70mAOD and for a 1 in 1000 year event 8.15mAOD. The lowest finished floor level of the proposed accommodation is 9.96mAOD meaning the development would not be at risk of flooding from fluvial sources. Despite being close to areas susceptible to surface water flooding, the proposed site is in a low risk area.
- 7.7.3 The proposal does not alter the physical footprint of the building and comprises an upward extension and alterations to the roof form (previously flat roof to pitched roof). The small area of land around the building

will be laid with permeable paving providing some betterment above existing conditions. On this basis, the risk of increased flooding elsewhere is considered low.

7.7.4 Turning to site drainage, the applicant proposes to connect foul water and surface water to the public sewer, as per the existing arrangements at an unrestricted rate. Connecting foul water to the public sewer is acceptable. Policy DM39 of the DM DPD and paragraph 165 of the NPPF requires new 'major' development to incorporate sustainable drainage Systems (SuDS) unless there is clear evidence this would not be appropriate. The footprint of the development remains as existing at approximately 407m² with around 48m² of pavement around the building. The applicant proposes to replace existing hardstanding around the building with permeable paving but with the surface water draining to the sewer as existing. It is accepted that there is no opportunity to drain by infiltration nor access a watercourse. Given the proposal is a change of use and the footprint will not increase, the proposal is considered compliant with the SuDS hierarchy set out in national and local policy. The FRA indicates that United Utilities will accept the surface water to the sewer and the Lead Local Flood Authority have now withdrawn their objection.

7.8 Biodiversity

7.8.1 The site lies with the built up area of the city surrounded by existing buildings and surface level parking. The site is not directly affected by any nature conservation designations. The key issue here relates to the potential impact on protected species, namely birds and bats. The bat surveys concluded no signs of bat roosting or foreseeable likelihood that roosting bats were present. On this basis, no mitigation is required. The Councils' ecology advisors are satisfied with the conclusions of the submitted reports subject to conditions restricting work to the building during the main bird breeding season. The proposal fully accords with national planning policy (paragraph 175, NPPF) and policy DM27 of the DM DPD.

8 Planning Obligations

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

9.0 Conclusions

9.1 The proposed development for student accommodation will make a positive contribution to the city centre, adding footfall and vibrancy to the town, as well as making a positive contribution to the District's housing supply. The re-use and redevelopment of the vacant buildings will support the continued regeneration of the area and will provide a complementary addition to the historic environment and the wider townscape. The design is unique, contemporary and perhaps like nothing else in the city centre. Its scale, design and fenestration will add interest and will not adversely detract from its surroundings. Where less than substantial harm is identified, such is capable of mitigation (through the imposition of conditions to secure the precise details of the external appearance of the building) and is offset by the public benefits of bringing the buildings back into a use, the proposal can be supported. Overall, the proposed development would represent a sympathetic and complementary addition to the historic environment.

9.2 The accommodation will provide a satisfactory standard of amenity for future occupants (in terms of room sizes, outlook and access to natural light). The accommodation caters well for cyclists and provides adequate refuse storage. The effects of the proposal on flood risk, biodiversity, highway safety and security have been adequately addressed, and where appropriate, can be mitigated or controlled by planning condition.

9.3 The environmental noise considerations have been the subject of lengthy negotiation and assessment. The effects of noise are technically complex and in light of the 'agent of change' principles particularly important. The applicant has now satisfied Officers that the proposed development can coexist with the Sugarhouse nightclub provided mitigation is provided in accordance with the applicant's final assessment.

9.4 Overall, the proposed development complies with policies contained within the Development Plan, the NPPF and would constitute a sustainable form of development. It is therefore recommended that the development is supported and planning permission granted.

Recommendation

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

1. Time limit
2. Approved plans list
3. Building Recording condition
3. Precise details of the cladding, roof details, windows, rooflights, doors, external gates, stonework detailing and repair
4. Precise scheme for the ventilation including details of all external plant/vents
5. Drainage scheme (including details of permeable paving)
6. External lighting and security measures
7. Noise levels and mitigation
8. Refuse and cycle provision to be provided and retained
9. Restriction on working during bird breeding season
10. Student Use condition

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