

| Agenda Item | Committee Date  | Application Number |
|-------------|-----------------|--------------------|
| A5          | 3 February 2020 | 19/00019/FUL       |

| Application Site                                       | Proposal  |
|--|---|
| 13 Dalton Square<br>Lancaster<br>Lancashire<br>LA1 1PL | Relevant Demolition of former cinema auditorium and erection of a 4-storey building with new glazed shop front for student accommodation comprising of 24 one-bed studios (C3), 3 two-bed apartments (C4) and 1 three -bed apartment (C4) |

| Name of Applicant | Name of Agent |
|-------------------|---------------|
| Mr Munshi         | HPA           |

| Decision Target Date | Reason For Delay                                |
|----------------------|---|
| 1 May 2019           | Negotiation with applicant and officer workload |

|                           |               |
|---------------------------|---------------|
| Case Officer              | Mr Mark Potts |
| Departure                 | No            |
| Summary of Recommendation | Approval      |

## i) Procedural note

Councillors have visited the site on 25 February 2019, and then again on 12 August 2019. There has been a delay associated with the scheme being presented to the Planning Regulatory Committee due to the need for noise concerns to be fully addressed together with design modifications.

## 1.0 The Site and its Surroundings

- 1.1 The application site consists of a former cinema, which is three storeys in height from Dalton Square, rising to 5 storeys, and then dropping to 2 storeys on Mary Street. The site is located in Lancaster city centre, and within the Lancaster Conservation Area. The site is essentially split into two parcels of land with the frontage along Dalton Square being a non-designated heritage asset (NDHA), and then the rear elevation is the former predominately brick structure which was the former auditorium. Numbers 11, 12 and 15 Dalton Square are Grade II listed buildings. The site lies adjacent to Dalton Square (Grade II listed) and the Queen Victoria Memorial (Grade II\*) and Lancaster Town Hall is also Grade II\*. The site is located within Flood Zone 1, although parts of Dalton Square and Mary Street have been known to experience surface water flooding. The eastern part of the site falls within the Lancaster City Centre Air Quality Management Area.
- 1.2 To the north of the proposal lies Dalton Rooms, and also Glow Rooms nightclub. To the east of the site is Dalton Square, and to the south lies commercial properties on Brock Street (which consist of 3 storey properties), and many have residential flats above the retail units (namely student accommodation). In between Arteria and Antalya barbers on Brock Street there is a small passage with bins stored associated with the retail units behind. To the west is Mary Street with a restaurant beyond this, with residential above.

## 2.0 The Proposal

- 2.1 The scheme involves the relevant demolition of the majority of 13 Dalton Square, but preserves the lower ground floor of 13 Dalton Square (fronting Dalton Square). The scheme proposes a total of 33 bedrooms, and these are made up of 24 one-bedroom studios, 3 two-bedroom apartments and 1 three-bedroom

apartments. A new glazed shopfront with aluminium frames has been proposed to 13 Dalton Square. On the ground floor would be a lobby, office space, common room, 5 studios, with a laundry facility, bike and bin store and plant room. On the first to third floors would be a mixture of studio and apartment accommodation. There is retaining wall along the southern boundary of the site which is proposed to be clad with climbing plants.

- 2.2 The proposal would be a maximum of 4 storeys in height and would feature a flat roof. The appearance of the building along Mary Street would be slightly angular with a glazed ground floor and stone fronted for the three storeys above. The southern elevation that faces onto the rear facades on Brock Street is made up of a sawtooth façade. The palette of materials includes stone cladding throughout, and the flat roof which would be clad in zinc or similar metal standing seam roofing. Windows and the new active frontages would consist of aluminium framed structures.

### 3.0 Site History

- 3.1 The application has been subject of pre-application discussions, which commenced in summer 2017. A subsequent application was submitted in 2018, but was withdrawn by the applicant. This application is the result of the ongoing dialogue.

| Application Number | Proposal  | Decision                         |
|--------------------|---|----------------------------------|
| 18/00960/FUL       | Relevant Demolition of former cinema auditorium and erection of a 6-storey building with new glazed shop front for student accommodation (C3) comprising of 29 1-bed studios, 7 2-bed apartments, 4 1-bed duplex and 1 2-bed duplex with external bin store | Withdrawn – due to design review |
| 17/00635/PRE3      | Demolition of existing buildings and redevelopment into student accommodation   | Advice provided                  |

### 4.0 Consultation Responses

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

| Consultee                         | Response   |
|-----------------------------------|--|
| <b>Historic England</b>           | Initially objected to the development, but raise <b>no objection</b> to the amended scheme.  |
| <b>Conservation Officer</b>       | Initially objected and had concerns over the loss of the Non-Designated Heritage Asset, but <b>no objection</b> now raised on the basis of planning conditions being imposed that cover materials. The justification provided over the loss of the NDHA is sufficient.   |
| <b>Lancashire Archaeology</b>     | <b>No objection</b> although notes there is some potential for the preservation of Prehistoric and Roman remains, but that potential does not seem to merit a formal archaeological excavation in advance of any building work commencing. It is recommended, however, that a formal watching brief is held during (i) the lifting of the extant ground floors and foundations and any levelling or other preparation works and (ii) the excavation of any foundation slots, ground beams, pile caps, etc. LAAS welcomes the provision of the Historic Building Survey report with the application. The record seems to have been appropriately undertaken and given the damaged nature of the cinema building, little further recording would seem to be justified. |
| <b>County Highways</b>            | <b>No objection.</b> Recommend that conditions should be imposed relating to a construction traffic management statement, re-instatement of footway along the frontage of the site and amendments to the existing traffic regulation orders along Mary Street.   |
| <b>Lead Local Flood Authority</b> | <b>No objection</b> on the provision a condition is attached to the planning consent requiring a final sustainable drainage scheme to be submitted for consideration.  |
| <b>United Utilities</b>           | <b>No objection.</b> Recommend conditions associated with the provision of a surface water drainage scheme and to ensure foul and surface water is drained on separate systems. UU makes comment that a water main crosses the site and consideration will be required of this with respect to the design of the development.  |

|  |  |
|--|--|
| <b>Lancaster Civic Society</b>         | <b>Comments</b> <ul style="list-style-type: none"> <li>• Pleased to see that the overall height of the structure has been reduced, although would like to see it lowered even further so that no part of the roof will be visible from Dalton Square (as shown in the artist's impression);</li> <li>• Approve of the revised proposals for the Mary Street elevation (apart from the height), and setting the side windows at an angle will improve interior lighting and enhance the overall design of the building, although rooms on the ground floor will still lack light, and outlook will be restricted; and</li> <li>• Pleased to see that the proposal for vehicular access by way of the narrow alleyway from Brock Street has been abandoned.</li> </ul> |
| <b>Lancashire Police</b>               | <b>No objection</b> , but raises some concern about student safety which could be addressed by means of planning condition.  |
| <b>Greater Manchester Ecology Unit</b> | <b>No objection.</b> The bat survey report submitted to inform the application has been carried out by suitably qualified ecologists and was to appropriate standards.   |
| <b>Lancaster University</b>            | Neither object nor support the development proposal, but raise the following points: <ul style="list-style-type: none"> <li>• The University wishes to see the evidence of the current supply and demand analysis of student accommodation within the city centre;</li> <li>• The University recommends that any developments are homes under the Lancaster University Home remit;</li> <li>• Any studio should adhere to the fire service requirements;</li> <li>• Sound insulation should be factored into the development given adjacent noise sources; and</li> <li>• Adequate levels of air quality should be provided for throughout the development</li> </ul>  |

## 5.0 **Neighbour Representations**

- 5.1 There has been 2 letters of representation received in response to this planning application.
- Saturation of the student accommodation market in Lancaster; and
  - Potential impact on the adjacent Dalton Rooms and Glow Rooms nightclub and the future operation of the business together with the significant impact on the Conservation Area.

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

### 6.1 **National Planning Policy Framework**

Section 2. Achieving sustainable development  
Section 3. Plan-making  
Section 4. Decision-making  
Section 5. Delivering a sufficient supply of homes  
Section 6. Building a strong, competitive economy  
Section 7. Ensuring the vitality of town centres  
Section 8. Promoting healthy and safe communities  
Section 9. Promoting sustainable transport  
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**

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 1 May 2019. The Council has published the proposed Main Modifications to the Local Plan. An eight-week consultation into the modifications expired on 7 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  
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  
Appendix B – Car Parking Standards  
Appendix D – Purpose Built and Converted Shared Accommodation  
Appendix F – Studio Accommodation

### 6.5 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

There are 9 main considerations of the application

- Principle of development;
- Historic Environment;
- Layout and Design;
- Noise Considerations;
- Drainage;
- Ecology;
- Air Quality Matters; and
- Highways.

## 7.1 Principle of Development

- 7.1.1 The application site is located within Lancaster city centre where new student accommodation will be supported where it is sympathetic to the character of the existing and surrounding built form (as noted within Policy DM46 of the Development Management DPD). There has been a steady stream of purpose-built student accommodation erected in the city centre over the course of the last 5 years, and in particular the last 18 months. Proposals therefore have to show whether an alternative use could be found in the event the market declines. The proposal before Councillors is easily capable of becoming hotel accommodation, and therefore with this in mind the principle of development is acceptable (assuming technical issues can be addressed).

## 7.2 Historic Environment

- 7.2.1 The development is located within the Lancaster Conservation Area. Original iterations of the scheme drew objections from the likes of Historic England, Conservation Officers, the Civic Society and Lancashire County Councils Specialist Advisory Service (Archaeology). It was considered that the original proposals would lead to substantial harm to 13 Dalton Square which is a non-designated heritage asset, and the scale and height of the proposal would erode the significance of the Conservation Area and surrounding Listed Buildings. Historic England and the Conservation team requested additional detail given the visual assessment submitted by the applicant lacked views from the eastern side of Dalton Square and from Nelson Street (with the Grade II\* Queen Victoria Memorial and Grade II\* Town Hall in the foreground).
- 7.2.2 In determining planning applications, local planning authorities have special duties with regard to preserving the setting of listed buildings and the character and appearance of conservation areas under s66 and s72 of the 1990 Act respectively. The NPPF emphasises that great weight should be given to the conservation of heritage assets and that the significance of an asset can be harmed by development within its setting (NPPF 193-4). Any harm requires clear and convincing justification (NPPF 194). Applications must be supported by sufficient information to assess the impact of the scheme on the significance of the heritage asset, including the contribution made by their setting (NPPF 189). Given this the applicant provided additional visualisations to assist in the consideration of the planning application.
- 7.2.3 Whilst the applicant produced additional visualisations, the development at 5 storeys would still have projected above the ridgeline of 13 Dalton Square by a storey and half. However, following discussions including various amendments to the fifth storey, the applicant removed this element to leave the development at the now proposed 4 storeys. These design changes have lessened the visual scale of the building, especially when viewed from Dalton Square.
- 7.2.4 There will be some very minimal protrusion above 13 Dalton Square, resulting in a very minimal impact on the heritage assets within Dalton Square, and the Town Hall. With this, it is considered that the improvements to the design would be a contemporary addition with references to the historic context. Historic England and the Conservation team do not raise objection to the development proposal on the basis of the amended scheme.
- 7.2.5 The building was historically a cinema, which opened in 1929 and known as the 'Palace Theatre'. In the opinion of the Conservation team the scale and height of the existing building is sympathetic to the surrounding built form and the façade utilises domestic architectural styles, which contributes to the overall Georgian suburban character of the Square. There have been alterations to the ground floor with changes of use over time (most recently a soft play use). There are some views of the brick cinema to the rear, but these are relatively limited when viewed from Dalton Square. 13 Dalton Square is considered to be a Non-Designated Heritage Asset (NDHA) due to its historic association with the development of entertainment venues in the early 20<sup>th</sup> century in Lancaster, and the architectural contribution it makes to Dalton Square. There have been some significant internal alterations which has diminished some of the historic interest as a rare surviving example of a cinema. The demolition of the majority of the building would however lead to substantial harm to the significance of the NDHA and cause less than substantial harm to the Conservation Area.
- 7.2.6 The applicant was asked to demonstrate that rather than demolish the building whether it could be re-used in its current form. Since the cinema closed in 1974, uses have included bars/nightclubs and a children's soft play centre. Where cinemas are re-used, they are often developed into bars/nightclubs, a

use within the City which is in decline (owing to a change in lifestyle changes). The demolition of the former cinema allows for the re-development of the site, and with it would bring a new active frontage along Mary Street. Whilst the loss of the former cinema is regrettable, the building is in a state of disrepair (as documented within the historic building record submitted in support of the application and endorsed by the County Archaeologist), and many of the original remaining features are no longer present. With this in mind it is considered that there has been significant justification put forward to allow for the loss of the NDHA. This is a view shared by Conservation team too.

- 7.2.7 The applicant has provided a historic building survey report with the application, and given the damaged nature of the cinema building little further recording would seem to be justified. No objection has been raised by Lancashire Archaeology but they have recommended a planning condition requiring a watching brief to be applied for any consent. It is considered appropriate to impose the condition.

### 7.3 Layout and Design Matters

- 7.3.1 All the room sizes are over and above that required by policy, with studio apartments being in the region of 22 square metres (policy dictates 19 sq.m). Where cluster flats have been proposed the room sizes are in the region of 12 square metres (policy would dictate 9 square metres (given the en-suite is separate). The rooms would be used by students to meet basic day to day living such as sleeping, washing, catering, studying and storage of their goods. Whilst students are transient, they need to have an acceptable form of accommodation to flourish during their studies at either the University of Cumbria or Lancaster University.

- 7.3.2 Officers (during pre-application discussions) had concerns regarding the outlook for both future occupiers of the development and existing occupiers of the residential accommodation on the 1<sup>st</sup> and 2<sup>nd</sup> floors of Brock Street. There has always been some concern regarding how to develop the site to ensure that the development delivers a standard of outlook that is considered acceptable to future occupiers of the development, and secondly which protects the outlook for those properties on Brock Street, and also the rear elevations of the 1<sup>st</sup> and 2<sup>nd</sup> floor windows along Dalton Square. The applicant has sought to address concerns by utilising angled windows, which not only serve to limit the visual intrusion to those properties on Brock Street but allow there to be an appropriate level of outlook for future occupiers. It is important to note the existing rear outlook on Brock Street is significantly compromised by the massing structure of the former cinema. The applicant has sought to address the concerns of Officers in a proactive way via the use of angled windows and a reduction in the volume of the building.

- 7.3.3 As already noted, all bedrooms associated with the development exceed the Council's minimum standards. The main concern with the application relates to outlook, privacy and limitation of daylight for future residents, and those that reside in living accommodation above the retail units on Brock Street/Dalton Square. The layout shows a series of rooms split over 4 main storeys. A concern at pre-application stage was how could an appropriate outlook for future occupants be provided, whilst being mindful of the residential accommodation that exists above the retail units predominately on Brock Street. The Council's general standards are for there to be 21 metres between facing windows serving habitable rooms in different properties. Where a window serving a habitable room faces onto a blank elevation (i.e. a wall with no window), there should be 12 metres separation provided.

- 7.3.4 With respect to the loss of daylight associated with the rear properties on Brock Street, the existing built form, which would be demolished to make way for this development, is likely to restrict light to these properties already. Furthermore, the present structure is closer to the existing dwellings, and therefore on balance, it is considered that the situation would not be exacerbated by this development proposal. With this in mind, the availability of daylight to properties on Brock Street is likely to be increased by this proposal.

- 7.3.5 The second question relates to outlook. The scheme has sought to use angled windows in an attempt to provide an acceptable outlook for future occupiers. The scheme seeks to maintain a boundary wall between the development site and the rear dwellings on Brock Street. This is in the region of 3 metres in height (although for a short section on Mary Street will be in the region of 6 metres), and involves lowering the existing wall that currently exists. On the ground floor it is expected that whilst there would be an outlook, this is far from ideal which is in the region of 5-7 metres from the boundary wall. Policy requires for 12 metres separation and whilst the applicant has provided examples of other schemes which offer a similar arrangement, namely Cityblock on Penny Street (Victoria Court) and the new Cityblock development on Penny Street, all schemes should be treated on its own merits.

- 7.3.6 All the rooms that are proposed are single aspect rooms, and as with many student schemes they are narrow long profiles which do have a limited outlook. The ground, and first floor all overlook a retaining wall, which will be circa 3 metres in height and will in essence limit the outlook of the ground and first floor. The relief between windows serving habitable rooms and the retaining wall is circa 5-7 metres. The rooms are all south facing, but the units are considered to have access to a reasonable amount of natural light (but could be bettered by a larger window). However, their outlook would generally be poor. The poor living conditions associated with the ground floor units is likely to be exacerbated by the potential need for curtains and such like to be drawn to provide for privacy. Notwithstanding this, a small-scale balcony is proposed on studios 1-5 and the use of privacy glass could be utilised to provide some privacy.
- 7.3.7 With respect to outlook associated with the residential accommodation above the retail units to the rear of Brock Street, given the wall will be retained at a height of circa 3 metres between the site and the rear of those properties on Brock Street, overlooking would only occur from the 1<sup>st</sup> to 3<sup>rd</sup> floors of the development. Whilst no objections from those properties on Brock Street have been forthcoming, protecting the amenity of these properties and future occupiers of the scheme are critical. The angled windows assist with separation distances from windows serving habitable rooms and these are in the region of 15 metres. It is considered that whilst there has been an honest attempt by the applicant's architect to design the scheme in such a way to minimise potential overlooking the situation is less than ideal. The scheme therefore cannot fully accord with Policy DM35 of the Development Management DPD. There are three windows in the eastern elevation (that serve a bedroom each) that have the potential to overlook habitable rooms associated with properties on Dalton Square. The applicant has been made aware of the concern and Councillors will be updated verbally at the Committee meeting.
- 7.3.8 The use of the angled windows which were advocated to the applicant during pre-application discussions on the site will inevitably help to protect against privacy concerns on this site, though it is inevitable that privacy will be compromised associated with the development. However, it is important to consider that the site is within the city centre and therefore some relaxation of the standards could be considered acceptable. With the above in mind Officers consider that it would be appropriate to allow for some relaxation of the standards here, and this is not dissimilar to how other student accommodation within the city centre has been treated.
- 7.3.9 The Council has been supportive of student accommodation, and the location within the city centre can be found acceptable. It cannot be considered that the living accommodation provided as part of this scheme fully fulfils the criteria of the Development Management DPD, in particular Policy DM35. Whilst some deviation from the required standards can be expected, the deviation here is uncomfortable with direct overlooking in the region of 15 metres. The ground floor in particular has the potential to feel oppressive. When determining the application, Councillors should be mindful of the need to protect residential amenity.
- 7.4 Noise Considerations
- 7.4.1 The proposed development is located adjacent to the Dalton Rooms / Glow Room Nightclub who operate for 5 nights a week between 22.00 – 06.00 (Monday, Wednesday, Thursday, Friday and Saturdays). Noise is therefore a principle consideration given the presence of the nightclub. Officers have to be sure that the scheme is capable of being built to ensure the amenity of future occupants is protected, but also that the existing established business which offers an important amenity is protected.
- 7.4.2 A detailed noise assessment has been submitted in support of the planning application, with noise measurements undertaken to determine the pre-development noise levels impacting upon the proposed site. The survey involved measuring noise from the adjacent nightclub, and the survey took place over a bank holiday to ensure that the assessment was robust. Vibration measurements were also undertaken in order to determine whether there was any appreciable levels of vibration at the proposed site resulting from music from within the nightclub. The applicant has demonstrated that the vibration values were significantly below the criteria relating to human comfort in dwellings and therefore vibration is considered acceptable.
- 7.4.3 A recommended glazing and ventilation specification has been provided to enable the recommended internal noise limits to be achieved within the units, including the low frequency (bass) noise in respect of music noise. The most onerous specifications are required in those bedrooms overlooking Mary Street and those on the top floor with elevations to the nightclub below.

- 7.4.4 The transfer of music noise from the nightclub to the proposed accommodation via structure-borne routes is expected to be adequately controlled, provided that the proposed building is structurally isolated from the existing nightclub building. In conclusion, with the implementation of the mitigation measures detailed in the noise report, it is considered that a suitable and commensurate level of protection against noise will be provided to the occupants of the proposed accommodation.
- 7.4.5 As with many recent schemes the Council has sought the expertise of a third-party acoustician (Martec Environmental Consultants Limited) to determine whether low frequency base noise would cause amenity concerns for future occupiers. Martec on behalf of the Council has undertaken a number of reviews of different noise reports submitted by the applicant and in general is now satisfied with the scheme.
- 7.4.6 The Senior Environmental Health Officer has considered the application and has concluded that following the most recent survey effort, it is considered that there is sufficient information to inform a robust mitigation strategy to ensure that there are 'no observed effect levels' and 'lowest observed adverse effect levels' in respect of noise, taking into account any marginal differences to specified criteria in respect of low frequency sound and applying context. In order to protect the future amenity of occupiers it is recommended that if Councillors are to support the scheme to ensure the glazing specification, external wall specifications and roof constructions, in conjunction with the mechanical ventilation that has been proposed, are controlled to ensure that NPSE objectives are met. Whilst an objection has been lodged by the adjacent music venue, given the survey effort and the additional mitigation which has adopted a fabric first approach, it is considered that the scheme can be considered acceptable.

## 7.5 Drainage

- 7.5.1 The site lies within Flood Zone 1 - the lowest possible risk of flooding from fluvial sources (rivers and sea), although the frontage of the site is known to suffer some flood risk associated with surface water flooding. There are already existing buildings on the site, and therefore the proposal reduces the overall volume of water to be discharged into the existing sewer as the proposal reduces the effective area of the roof from 749 m<sup>2</sup> to 488 m<sup>2</sup> by reducing the building footprint and using flat roofs rather than pitched roofs. The applicant proposes to utilise attenuation in the form of underground storage to allow for a controlled discharge rate. Given it would be impractical to drain the site via infiltration methods, and there are no watercourses to connect into, the only logical way of draining the site is via the existing drainage network. United Utilities has raised no objection to the development although have requested a number of planning conditions associated with drainage matters and restricting drainage to 5 litres per second should it enter the existing drainage network (as endorsed by the Lead Local Flood Authority).
- 7.5.2 Whilst the detailed drainage design has not been submitted with this planning application, the LLFA raises no objection to the development and therefore planning conditions should be imposed regarding the detail of the drainage scheme and its subsequent long-term maintenance.

## 7.6 Ecology

- 7.6.1 The application has been supported by a bat survey, which was undertaken in September 2017. The habitat around the site offers a low potential for foraging. There is poor connectivity between the site and higher quality foraging areas. No indication of use of the site by bats was found during the survey. Developments should promote net gain, but given green walls are being included, this will offer some biodiversity benefit and will also assist with much needed greening. Given there will be little to no light afforded to the green wall, the applicant has sought their own advice on what species could work in this context. This could be addressed by means of planning condition.

## 7.7 Air Quality Matters

- 7.7.1 The Lancaster City Centre Air Quality Management Area partially covers the development site. The monitoring results of the nearby diffusion tubes indicate that concentrations of NO<sub>2</sub> are likely to be above the long term and short term objectives within areas of the proposed development site.
- 7.7.2 Air quality mitigation is normally provided by the installation of a whole house mechanical ventilation system which takes air from a "cleaner" part of the building. The cleaner area in this case would be the western side of the building, which is furthest from Dalton Square and where pollutant concentrations



are likely to be below the annual mean objective. As pollution levels decrease with height the roof level would be the recommended intake point. It is noted that, there are a number of hot food takeaway shops on Brock Street which have the potential to cause an odour nuisance. It is, therefore, recommended that the clean air be taken from the north western section of the development, at roof level, furthest from Dalton Square and Brock Street. This will also overcome any issues regarding odours from surrounding hot food takeaways. No response has been received from the Council's Environmental Health Officer on the matter, but a condition is recommended requiring the use of mechanical ventilation systems throughout the proposed building.

## 7.8 Highways

7.8.1 The scheme is located centrally in Lancaster city centre and therefore no car parking has been proposed as part of the scheme. The nearest public car park is located 170 metres to the east of the site off Nelson Street. The views of County Highways have been sought on the planning application who raised no objection to the scheme on the basis of planning conditions being attached the consent requiring a review of existing traffic regulations orders (for disabled parking and goods vehicle loading and unloading on Mary Street). County has requested a condition ensuring the frontage along Mary Street is reinstated following construction works, but these works would be covered under a street works permit in any event.

## 7.9 Other Matters

7.9.1 Given the Council's climate change emergency declaration in January 2019, it is considered reasonable to expect that the building is constructed with a fabric first approach in mind. Whilst Policy DM36 of the Development Management DPD concerns sustainable design and encourages the likes of BREEAM and Passivhaus, it merely encourages as opposed to insists. It had been suggested to the applicant to design the building to BREEAM 'excellent' standard during the course of the determination process. However, to enable this to occur it would require a wholesale design review, given how the BREEAM scoring process works to enable the higher level to be achieved. The applicant is amenable to going one step further than current building regulations (accepting that there is a review into Part L of Building Regulations under the Future Homes Standard consultation at the time of drafting this report) and therefore with this in mind a condition is suggested to encompass these matters.

7.9.2 Lancaster University has suggested to the Council it would be prudent to establish how much additional student accommodation is required in the district given a number of large-scale approvals over the course of the last 5 years. From reviewing the Universities' own masterplan proposals, this suggests the University intends to progress its own accommodation proposals which equate to 840 student rooms as part of Phase 1 and potentially 1056 rooms as part of Phase two. Whilst these are valid concerns to be raised by the University, given their own aspirations involve nearly 2000 purpose-built rooms, and policy still encourages purpose-built student accommodation within the city centre, Officers still consider the principle is acceptable.

## 8.0 Planning Obligations

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

## 9.0 Conclusions

9.1 The development is located within the heart of Lancaster city centre and therefore a location which can be supported by the Local Planning Authority for purpose-built student accommodation. The proposed development has undergone a series of subtle changes throughout the planning process, with the number of bedrooms from the original pre-application reduced from 47 through to 33, a reduction in scale of the building by 2 storeys, use of angled windows and an improvement to the choice of materials. It is considered that whilst the applicant has underplayed the impact associated with the ground floor units, where officers feel that owing to the separation distances and blank facades amenity would be affected, overall the development is acceptable, based on the existing arrangement, the improvement to the Dalton Square and Mary Street elevation.

9.2 The development is located within a Conservation Area, but following amendments to the design of the scheme, the development has been found to be acceptable in the context of the Conservation Area. Whilst the proposal results in the loss of a Non-Designated Heritage Asset, there is sufficient justification provided to allow for its loss. There are no statutory consultees objecting to the development on technical

matters and those issues that have been raised as a concern by consultees can be addressed by means of planning condition. This is a finely balanced decision on the basis of amenity for proposed students, but on balance it is recommended that Councillors support the scheme subject to the conditions noted within the recommendation section.

### **Recommendation**

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

1. Time Limits for implementation;
2. Approved plans;
3. Surface water drainage scheme;
4. Surface water management;
5. Foul water drainage scheme;
6. Archaeological recording;
7. Student restriction;
8. Noise attenuation;
9. Mechanical ventilation systems;
10. Cycle and refuse;
11. Materials;
12. Archaeological Watching Brief;
13. Development in accordance with the noise report;
14. No development to be occupied until the noise mitigation has been installed;
15. Sustainable construction design ethos.

### **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