

Agenda Item	Committee Date	Application Number
A6	3 February 2020	19/01412/VCN

Application Site	Proposal
Land Adjacent To Bulk Road Lancaster Lancashire	Erection of eight buildings up to eleven storeys in height to create student accommodation comprising 125 studios (C3), 50 cluster flats (C3/sui generis), 19 shared townhouses (sui generis), with ancillary communal facilities, study library (D1), gymnasium (D2), new vehicular and pedestrian accesses, car parking, servicing bays, public realm and landscaping (pursuant to the variation of conditions 2 and 3 on approved application 19/00962/RCN to extend the completion date for Phase 1 access to May 2020, and Phase 1 offsite highway works to be fully implemented by May 2020)

Name of Applicant	Name of Agent
Eric Wright Construction	Mr Ed Flood

Decision Target Date	Reason For Delay
18 February 2020	Not applicable

Case Officer	Mr Mark Potts
Departure	No
Summary of Recommendation	Approval

1.0 The Site and its Surroundings

- 1.1 The development site is located to the north of Lancaster city centre located between Back Caton Road and Bulk Road, and the site area is in the region of 0.9 hectares. Planning consent was granted in January 2017 for a new student village and amended in January 2019 under application 18/00820/FUL. Phase 1 was modified under application 18/01363/VCN in June 2019 and then later again in 2019 under application 19/00962/RCN. The site was previously scrubland; formally accommodating the K-Shoes factory and a vehicle dismantler. To the west of the site lies Back Caton Road with industrial development beyond this in the form of the Dana car wash, carpet shop and laundry cleaning business, together with Kingsway Retail Park. To the far north of the site lies residential properties and beyond this is the former bus depot apartment block (eight storeys in height), and properties on Bulk Road and Gladstone Terrace are located to the west of the proposal. To the south lies Bulk Road beyond which is the former Crown Inn on St Leonards Gate. Adjacent to the former Crown Inn is St Leonards Court (retirement apartments), Britten Hall and a computer shop. Parliament Street Retail Park is located to the south. Phase 1 is now fully complete barring off-site highway improvements works.
- 1.2 There are no Listed Buildings or Scheduled Ancient Monuments located within the development site, and the development does not fall within the Lancaster Conservation Area. The Grade II* Listed 38-42 Parliament Street are located 60 metres to the west of the proposal, and Skerton Bridge which is Grade II* Listed and a Scheduled Ancient Monument is located 100 metres to the west of the proposal. The Lancaster Conservation Area is located 130m to the south of the proposal and Gladstone Terrace, Ridge Street, Green Street, Hinde Street and Albion Street are all locally designated heritage assets.

2.0 **The Proposal**

2.1 Phase 1 of the development was opened in autumn 2019, and all the offsite highway works should have been fully implemented by November 2019. None of the off-site highway works were implemented by this date, and it is for this reason the applicant has made an application to vary the timescales of the condition to request that all offsite highway works are implemented by May 2020. There is also a vehicular access off Bulk Road that should have been constructed to adoptable standards by November 2019. However, due to utility services within the pavement on Bulk Road the required licences were not sought in time to allow for the access to be formally put in place. The relevant conditions that the applicants are seeking to modify are noted below.

2.2 Condition 2 states:

'By no later than 15 November 2019 the offsite highway works in connection with Phase I of the development, in general agreement with Section 278 Works General Arrangement A104405 P10 October 2019, but exclude the proposed access to staff car park Phase II, but shall provide include signalised traffic controls on Bulk Road/Caton Road, shall be fully implemented. For the avoidance of doubt the offsite works are detailed below;

- *Amendments to Traffic Regulation Orders on Bulk Road to accommodate access;*
- *Bus Boarding Area and bus stop improvement on Bulk Road;*
- *The various servicing areas (including loading bays and refuse collection); Extension of the footways, pedestrian crossing facilities (to include dropped kerb, tactile paving and push button facilities) together with the extension of the footway provision to provide continuous level surface for pedestrians, including the retention of the left turn closure from Caton Road.*

Reason: The above works are required to ensure that the pedestrian movement from the site can be undertaken in a safe and controlled way which puts pedestrian safety first'.

Condition 3 states:

'By 15th November 2019 the vehicular/pedestrian access onto Bulk Road entitled Permanent Service Vehicles on Drawing Section 278 works General Arrangement A104405 Drawing 100 Revision P10, adjacent to Gladstone Terrace, as also shown on Drawing Number Detail General Arrangement 2 of 2 RF16-385 L06 Revision C02 shall be fully implemented and be made available for use at all times.

Prior to any works associated with Phase II taking place the full detailed plans, including constructional details of the access road and servicing bays and connection to the existing highway and connections from the development site (including the proposed footpath crossing the site and the surfacing treatment between the shared pedestrian and vehicular access), shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include a timetable for the implementation of the proposed works for Phase II. No part of the development hereby permitted shall be occupied until the approved details for Phase II have been implemented and completed in accordance with the approved timetable associated with its respective Phase, and the cross route access route shall be constructed and available for use prior to the occupation of the final block of accommodation'.

Reason: In the interests of highway safety and to enable the safe access and egress from the site.

2.3 The applicant has entered into a Section 278 agreement with the County Council (December 2019). The early phases of the Section 278 agreement are currently being built out (namely the pedestrian crossing on Bulk Road). There is a pedestrian crossing (with associated traffic lights that has been temporarily included as an interim measure whilst the permanent crossing facility on Bulk Road is built out.

3.0 **Site History**

3.1 There has been a number of applications made on this site over the course of the last 3 years, and these are documented below:

Application Number	Proposal	Decision
19/00962/RCN	Erection of eight buildings up to eleven storeys in height to create student accommodation comprising 125 studios (C3), 50 cluster flats (C3/sui generis), 19 shared townhouses (sui generis), with ancillary communal facilities, study library (D1), gymnasium (D2), new vehicular and pedestrian accesses, car parking, servicing bays, public realm and landscaping (pursuant to the removal of condition 20 on planning permission 18/01363/VCN in relation to the implementation of sustainable energy measures and amendment to condition 25 in regard to the approved foul drainage proposal)	Approved
18/01363/VCN	Erection of eight buildings up to eleven storeys in height to create student accommodation comprising 125 studios (C3), 50 cluster flats (C3/sui generis), 19 shared townhouses (sui generis), with ancillary communal facilities, study library (D1), gymnasium (D2), new vehicular and pedestrian accesses, car parking, servicing bays, public realm and landscaping (Pursuant to the variation of condition 7 on planning permission 17/01413/VCN to allow for an amended offsite highway scheme)	Approved
18/00820/FUL	Erection of four buildings up to six storeys in height to create student accommodation comprising fourteen two bedroom apartments (C3), 19 shared townhouses (sui generis), with ancillary communal facilities, new vehicular and pedestrian accesses, car parking, servicing bays, retaining walls and structures, public realm and landscaping	Approved
17/01413/VCN	Erection of eight buildings up to eleven storeys in height to create student accommodation comprising 125 studios (C3), 50 cluster flats (C3/sui generis), 19 shared townhouses (sui generis), with ancillary communal facilities, study library (D1), gymnasium (D2), new vehicular and pedestrian accesses, car parking, servicing bays, public realm and landscaping (Pursuant to the variation of condition 2 on planning permission 16/01084/FUL to amend the approved plans relating to the fenestration of Blocks A, C1 and C2; and Block B from a pitched to flat roof, and condition 4 with respect to modification to the pedestrian route across the site and amendment to the phase 1 vehicular and pedestrian access)	Approved
16/01084/FUL	Erection of eight buildings up to eleven storeys in height to create student accommodation comprising 125 studios (C3), 50 cluster flats (C3/sui generis), 19 shared townhouses (sui generis), with ancillary communal facilities, study library (D1), gymnasium (D2), new vehicular and pedestrian accesses, car parking, servicing bays, public realm and landscaping.	Approved
15/01622/PRETWO	Erection of a student village	Advice Provided

4.0 **Consultation Responses**

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

Consultee	Response
County Highways	No Objection

5.0 **Neighbour Representations**

5.1 No representations have been received.

6.0 **Principal National and Development Plan Policies**

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

Section 2 – Delivering sustainable development;
Section 4 – Decision Making;
Section 14 – Meeting the challenge of climate change, flooding and coastal change;

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 expires 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 Local Plan 2004 (saved policies)**

H3 – Housing Opportunity Site

6.4 **Development Management Development Plan Document (DM DPD)**

DM35 – Key Design Principles
DM36 – Sustainable Design
DM39 – Sustainable Drainage

7.0 **Comment and Analysis**

7.1.1 The student village is to be constructed across two phases. Phase 1 of the development was occupied in September 2019, and this totals over 400 bedrooms across the 3 blocks of accommodation that have been erected on the site. There had been protracted discussions with the applicant since autumn 2018 regarding the offsite highway works, but it was always envisaged (and required) to have the pedestrian crossing facility that crosses Bulk Road to be put in place prior to occupation. The main access and egress into the student village should have been via the main access to the south of the site. Given the delay with the offsite works, the main access into the accommodation has been via the north. A temporary pedestrian crossing with associated traffic lights has been put in place on Bulk Road and despite initial teething problems has been working effectively since its introduction in October 2019. This is only a temporary arrangement, and will be removed following the pedestrian crossing on Bulk Road being available for use.

- 7.1.2 As noted above, there have been lengthy discussions for the best part of 18 months on the extent of the offsite works and it should be noted that delays in the implementation measures have been down to the applicant and not County Highways. An application was submitted in October 2018 to amend the timescales for the implementation of the offsite highway works until November 2019. It is therefore frustrating that the Council is having to entertain a further application to amend the timescales, especially given the extent of the offsite works are relatively modest when compared with the development that they serve. Whilst it is pleasing that the Section 278 Agreement for Phase I has now been signed, and executed, it was poor planning on the applicant's side to leave matters until now. Officers did consider taking enforcement action in the form of an injunction (to prohibit the use of the buildings until such time the offsite highway works were implemented). This motivated the applicant to implement the temporary crossing, and with that, it was considered that there was at least a safe means of students accessing and leaving the site, and consequently no formal enforcement action commenced.
- 7.1.3 The applicant through agreement with the County Council has removed the crossing onto Back Caton Road (given it would have crossed onto Dana Car Wash), and have proposed a toucan crossing on Back Caton Road opposite Pizza Hut (which officers endorsed on Phase II of the development under 18/00820/FUL). This is welcomed, but it is only capable of being implemented if a length of footway is included along Caton Road allowing for increased movement in and around the site. Officers are liaising with colleagues in County Highways and the applicant's agent as to what is possible here.
- 7.1.4 Given County Highways has agreed to the amended timescales for implementation and to the scope of the offsite highway works, it is considered acceptable to permit this application. However, further clarification will be sought in connection with how the proposed toucan crossing adjacent to Pizza Hut could be delivered.

8.0 Planning Obligations

- 8.1 There are no planning obligations to secure as part of this planning consent.

9.0 Conclusions

- 9.1 Officers have been frustrated that the required offsite highway works were not implemented within the permitted timescales, and then furthermore the development was occupied in advance of any of the highway works being carried out. The Section 278 works have now commenced on the site, but given the phased delivery of the works (with the most critical component the pedestrian crossing on Bulk Road), and the need to manage the vehicular approach into Lancaster, the works will be undertaken in a series of phases. Officers support the application on the basis that the pedestrian crossing on Bulk Road is fully constructed and available for use no later than 31 January 2020 with the remainder of the works being implemented no later than 30 May 2020. Councillors are encouraged to support the application on the basis of the conditions noted below.

Recommendation

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

1. Approved Drawings;
2. Offsite Highway works implementation by May 2020 (with pedestrian crossing in place by 31 Jan 2020);
3. Access Works implementation by May 2020;
4. Written Scheme of Investigation for Phase II;
5. Surface Water Drainage Scheme;
6. Retention of measures for refuse provision, drop off, cycle storage and cycle runners. Detail for Phase II to be agreed separately.
7. Phase II offsite highway works to be submitted;
8. Ventilation scheme for Phase I in accordance with approved scheme;
9. Landscaping for Phase I in accordance with approved scheme;
10. Public Realm surfacing for Phase I in accordance with approved scheme;
11. External materials for Phase I in accordance with approved scheme;
12. Boundary Treatments for Phase I in accordance with approved scheme;
13. CEMP to be submitted associated with Phase II;

14. Vegetation clearance condition associated with Phase II;
15. Finished Floor Levels agreed on Phase I to be provided associated with Phase II;
16. Development in accordance with the approved phasing plan;
17. Approved Glazing scheme for Phase I;
18. Crime prevention measures implemented for Phase I – Phase II to be submitted;
19. Approval of this application for sustainable energy measures – Phase II to be submitted;
20. Development in accordance with the approved Flood Evacuation Plan;
21. Satellite systems to be in accordance with approved detail for Phase I; Phase II to be submitted;
22. Development in accordance with the approved Travel Plan associated with the development;
23. Deliveries, servicing and maintenance in accordance with the agreed details;
24. Foul water drainage scheme to be developed in accordance with the approved scheme;
25. Remediation Certificate in connection with any contaminated land;
26. Restriction on soils;
27. Development in accordance with the submitted AIA;
28. Development in accordance with the submitted FRA;
29. Development to be occupied by only students;
30. Phase I to be cleaned and maintained in accordance with the approved façade cleaning and maintenance strategy;
31. Lighting for Phase I to be in accordance with the approved detail. Detail for Phase II to be submitted;
32. Permitted Development Rights to be removed under Part 16.

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