

DECISION DATE	APPLICATION NO.	PLANNING COMMITTEE:
5 April 2007	07/00005/REM A18	19 March 2007
<b>DEVELOPMENT PROPOSED</b>		<b>SITE ADDRESS</b>
<b>RESERVED MATTERS APPLICATION FOR 8 STOREY RESIDENTIAL DEVELOPMENT (100 UNITS) WITH ASSOCIATED CAR PARKING AND LANDSCAPING</b>		<b>KINGSWAY RETAIL PARK CATON ROAD LANCASTER LANCASHIRE</b>
<b>APPLICANT:</b>  Worksharp (Lancaster) Ltd Unit 2 Slaidburn Crescent Southport Merseyside PR9 9YF		<b>AGENT:</b>  Turley Associates

#### **REASON FOR DELAY**

N/A

#### **PARISH NOTIFICATION**

N/A

#### **LAND USE ALLOCATION/DEPARTURE**

The Lancaster District Local Plan identifies the overall Kingsway Site for a mixed use development incorporating uses such as business, retail, leisure and residential uses and is surrounded by the Caton Road/Back Caton Road Access Corridor.

#### **STATUTORY CONSULTATIONS**

**County Archaeologist** - No comment.

**Environment Agency** - No objection - condition requested re. flood evacuation plan.

**County Highways** - No objection subject to minor amendments and conditions.

**Environmental Health Officer** - No objection subject to existing outline condition being repeated.

**Housing Policy Officer** - No comment.

**English Heritage** - Have been involved in pre-application discussions and support this much improved proposal which will make a positive contribution to the character of the area.

**Lancaster Civic Society** - Objects - poor design and inappropriate form and materials - inadequate articulation of the main elevation, incongruous projecting balconies, lack of roofspace, lack of green space and detrimental impact on the Listed Building.

**CABE** - No comment.

**Police** - Development should achieve "Secured by Design".

**City Contract Services** - No comment.

**County Planning** - No response received.

## **OTHER OBSERVATIONS RECEIVED**

Six letters have been received objecting to the proposal on the following grounds:

The eight storey building is completely incongruous and out of keeping with the character of the city and would seriously detract from all the fine work done in the city in recent years to enhance the built environment.

The building looks like a World War II fortification designed to discourage visitors to the city.

The building is too close to residential properties on Bulk Road and would be overbearing and un-neighbourly and would result in loss of privacy and amenity.

Lack of green space and loss of cherry trees, car park access for 100 cars will exacerbate congestion on Back Caton Road.

One letter has been received supporting the principle of the development but suggesting that a stronger feature is needed at the end facing down Caton Road and the top two floors should be stepped in, perhaps with a mansard roof, even at the expense of an extra floor.

A further letter from Councillor Whitelegg objects to the proposal briefly on the following grounds:-

- . Inappropriate scale and extended footprint;
- Threat to two mature cherry trees;
- Inappropriate location for residential developments in an area of poor air quality;
- Overlooking and loss of amenity to nearby residential property;
- Increased traffic generation and congestion.

## **REPORT**

This site is the northern end of the Kingsway redevelopment site, previously the bus depot and now reduced to just its Grade II Listed facades on its western and northern frontages facing Caton Road and Back Caton Road respectively. Adjacent to the south side of the site lies the recently completed retail development containing PC World, while to the east across Back Caton Road lies a steep embankment and terraced two storey residential properties fronting Bulk Road. To the west, across Caton Road lies the river, embankment and riverside footpath/cycleway. To the north lies an extensive road junction area with a landscaped embankment to its east and an area of commercial/industrial development to its west.

## **Background**

This site was previously the subject of one of three inter-related applications that covered the redevelopment of the northern end of the Kingsway island site, which were approved in May 2003 (03/01372/OUT). The other two applications related to planning and Listed Building issues concerning

the first phase of the redevelopment involving the retail and leisure developments on the sites of the former Kingsway Baths and Bridge Houses have now been implemented.

This outline approval related to the provision of 100 residential units and associated access and car parking, incorporating part of the Listed facade of the former Bus Depot.

A subsequent reserved matters application for the residential details for this site was made in June 2005, but this was later withdrawn following opposition from your Officers and a generally negative response from most quarters.

This was followed in August of last year by an application under Section 73 of the Town and Country Planning Act to extend the time period for the commencement of the development for a further three years. This application was approved in October.

### **Application Proposal**

This proposal is a further application for the approval of the reserved matters for the development of 100 residential units with associated car parking and landscaping on this site. In this case the scheme involves an eight storey development forming a large U shaped block arranged around the outside of the site with the open end of the U facing the rear of the PC World building.

The lower part of the building (first 3 floors) would be contained behind and within the existing historic facades and a new brick wall of similar height closing the frontage to Back Caton Road. These would contain three floors of car parking on the Caton Road side of the building and the lower two floors of car parking on the Back Caton Road site, giving 100 spaces. The third floor on this side would contain the lowest seven units.

The remaining units would then all be contained in the main U shaped block which would sit on top of the Listed Structure, cantilevered and supported on legs and from their northern facade to form a semicircular facade, three storeys above the Listed Palisade wall which runs around the northern end of the site.

This main, upper element of the building would be five storeys high, flat roofed with an internal lightwell/atrium to provide light to the internally facing bedrooms. The fenestration would comprise a series of full height window stacks, reflecting the character of the Lancaster warehouse loading slots, interspersed with stacks of horizontal window slots of varying sizes and various depths of reveal to give contrast, movement and variety. The full height windows facing Caton Road would be provided with individual external balconies suspended conspicuously out from the wall.

This major element of the building would be faced in an impervious rainscreen cladding with a wood grain effect and a bright orange gold colour to compliment but exaggerate the warmth and texture of the local Lancaster stone and the materials of the Listed Structures below and around it. The internal elevations would be white render to reflect maximum light into the building. The small areas of brickwork to Back Caton Road and to the lower southern end of the building facing PC World would be dark blue engineering bricks to provide a contrasting face for the upper part of the building.

Vehicular access to and from the building would be from Back Caton Road as would the pedestrian and service entrances. Cycle storage for 28 cycles would also be provided.

### **Policy Position**

The general policy issues associated with this development were considered at the time of the parent/outline permission. This application therefore relates purely to the design of the proposal and its issues of principle.

However, there are general design policies in the Lancaster District Local Plan which must be taken into consideration, particularly Policy H12 (Layout, Design and Use of Materials) which states that:

"Proposals for housing development will only be permitted which exhibit a high standard of design, layout and landscaping, which use materials and features which are appropriate to and retain the distinctive local identity of their surroundings.

The qualities of an outstanding scheme may exceptionally justify a design which does not retain or reinforce local distinctiveness. The merits of this must be presented in a written statement which accompanies the planning application".

Policy H13 (Sustainable Living) states that "Proposals for housing development will only be permitted where the Council is satisfied that full regard has been taken of energy efficiency and waste reduction and recycling considerations".

Policy H21 (Flat Development) underlines the need for self contained flat developments to be built to standards set out in Appendix 2 of the Local Plan.

The issues of principle in respect of the Listed Structure on this site have already been determined, however paragraph 5.7.14 of the Local Plan (Preserving the Setting of a Listed Building) states that "The City Council will seek to preserve the setting of Listed Buildings by applying appropriate control to the design of neighbouring development, the use of adjoining land, traffic management measures and the preservation of trees and landscape features.

### **Issues Arising**

This site is and was always going to be a difficult site to redevelop for residential purposes, particularly once it contained Listed Structures. The site is to all intents and purposes the inside of a large traffic island and the outline consent accepted its development with 100 units. The reconciliation of these major constraints can only be successfully accomplished with adventurous design solutions.

This proposal is one such solution which seeks to reduce the height and mass necessary to accommodate such numbers by utilising the whole of the site area available. However, this can only take place above the Listed Structures which must be retained and visible and which this scheme does in its own particular manner.

Members should bear in mind that there may be many other design solutions to the development of this site with radically different forms to that currently submitted. Indeed the Lancaster Civic Society has submitted one such alternative solution which is available for Members to view on request.

The application before you at the present time is a contemporary solution which has been developed in consultation with your Officers and English Heritage and would create a landmark building statement at the principle entrance to the central area of the city in a position which would not conflict with the character or integrity of the city centre conservation areas. There are few, if any, other similar sites within the city where such a bold contemporary statement could be made with so little impact on either the historic environment or the character and amenities of the surrounding area. No doubt Members will have their own views on the quality and suitability of this proposal for this site. Further amendments to the elevation facing PC World have been requested and are anticipated in time for Committee.

In order to keep the overall height of the building as low as possible (25m 8 storeys), there is little opportunity for open space or landscaping. However, tree planting is proposed within the traffic islands of Caton Road and on the embankment to the east of them and a scheme is anticipated in time for Committee.

The proposal retains the vast majority of the Listed Structures on the site, but deliberately contrasts dramatically with them. However, some design queues are taken from the Kingsway frontage and the wall cladding is intended to reflect the colour and grain of the stonework.

The mesh around the northern end of the site is intended to restrict public access to the area under the superstructure and would be a fine stainless steel, unclimbable mesh, supported on stressed cables between the lower edge of the superstructure and the ground just behind the retained Listed palisade wall. This undercroft area would be illuminated at night to create a dramatic visual effect.

It is considered therefore that these proposals meet the design requirements of Policies H12 and paragraph 5.7.14 of the Local Plan and from this point of view can be supported.

Members will recall that at the time Outline Permission was granted, it was accepted that the extraordinary costs of developing this site with a landmark building were such that it could not also support the additional costs of the provision of affordable housing or a commuted sum in that regard. No such requirement was therefore imposed on the permission. Furthermore, the same view was taken in respect of a transport contribution and again no such requirements was imposed on the permission.

A detailed acoustic report has been submitted with the application and the final view of the Environmental Health Officer on this issue are awaited.

In terms of its impact on neighbouring amenities, the nearest dwelling on Bulk Road is 14m from the nearest point of the proposed development. However, the rear of the terrace is set about 45 degrees from the Back Caton Road facade of the development and rise steeply up the hill away from the proposed building. The building will undoubtedly be very large and dominant opposite the end of this terrace and will overlook it. But this will be reduced by the oblique angle of view and the rapidly increasing separation distances and floor heights of the terrace. A sun path analysis drawing submitted with the application in response to Condition No. 10 of the Outline Permission suggests that the only loss of direct sunlight as a result of shadowing by this development would be after 4.00 p.m. during the months of June-September. There will certainly be a significant loss of the view of the sky in a westerly direction from the rear of the terrace, but given the separation distances involved, it is not considered that there will be any significant loss of daylight. On balance therefore, it is not considered that the detrimental impact of this proposal on neighbouring residential amenities would be sufficiently severe to justify the refusal of this application.

In respect of Policy H21 (Flat Development), the views of the Council's Private Housing Officer are anticipated in time for Committee. Further information from the applicant regarding the issues of the sustainability of the building to meet the requirements of Policy H13 (Sustainable Living) are also anticipated in time for Committee.

Subject to the satisfactory outcome of the outstanding issues mentioned above, it is considered that the proposal meets the requirements of the relevant Local Plan policies, the original development brief for the Kingsway site and the current guidance set out in PPS1 (Delivering Sustainable Living), PPS3 (Housing) and PPG15 (Planning and the Historic Environment) and can therefore be supported.

It is however recognised that given the particular form of the proposal, Members may have their own views on the extent to which this design is appropriate to the Lancaster context in general and this location in particular.

## **HUMAN RIGHTS IMPLICATIONS**

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

## RECOMMENDATIONS

That subject to the satisfactory outcome of the outstanding consultations and the submission of final amended plans, **RESERVED MATTERS PERMISSION BE GRANTED** subject to conditions covering the following issues:-

1. Standard Reserved Matters permission.
2. Amended plans.
3. Development in accordance with approved plans.
4. Subject to all undischarged condition on 03/01372/OUT.
5. Details of the joint finishes and fixings of the external wall cladding to be agreed.
6. Details of the windows, reveals and balconies including finishes to be agreed.
7. Details of the internal amenity spaces to be agreed.
8. Landscaping and planting on site and off site to be implemented.
9. Details of the mesh screen to be agreed.
10. Car parking to be provided and retained.
11. Existing crossings and entrances to be closed.
12. Cycle storage to be provided and retained.
13. Flood evacuation and management plan to be agreed.