

Agenda Item	A10
Application Number	20/00700/LB
Proposal	Listed building application for removal of the buttresses and stone boundary wall from 108 St Leonards Gate and the erection of a 3 and 4 storey building
Application site	Land Adjacent To 108 St Leonards Gate Lancaster Lancashire
Applicant	Mr Mister
Agent	Mr Ion
Case Officer	Mr Adam Ford
Departure	No
Summary of Recommendation	Approval

1.0 Application Site and Setting

1.1 This application relates to a small gap site within the otherwise continuous built-up frontage on the western side of St Leonard's Gate, close to Lancaster city centre. The majority of the site is now a surfaced private car park following the demolition of derelict two storey buildings in the late 1960s. Part of the site is covered with a road surface providing vehicular access to Pitt Street, following closure of the underpass beneath no. 98. St Leonards Gate, which provides access to a service area and private car parking between the buildings fronting St Leonard Gate and North Road. To the rear of the site and fronting onto Pitt Street was a single storey hipped and slate roofed workshop with painted rendered walls, but this has been demolished.

1.2 The site is within the City Centre Conservation Area and numbers 108/110 and 112/114 are Grade II Listed buildings. This part of the western side of St Leonard's Gate is characterized by substantial 3 storey Georgian properties with the larger scale St Leonard's House lying further to the north. Adjoining the site to the east is a 3-storey former Victorian coach works and warehouse, no. 98, which is now converted to student accommodation. The Lancaster Air Quality Management Area (AQMA) lies approx. 16 metres to the northwest and 30 metres to the southwest. A small strip of the site's north western edge lies within flood zone 2 also.

2.0 Proposal

2.1 In conjunction with application 20/00699/FUL, this application seeks Listed Building Consent for the following works:

- The removal of buttresses and stone boundary wall from 108 St Leonards Gate
- Erection of a 3 and 4 storey student accommodation building (attached to 108 St Leonards Gate)

The removal works are required to facilitate the construction and erection of the new building and, as clarified in the linked report for 20/00699/FUL planning permission is also sought for the

retrospective demolition of the site's former workshop building and the subsequent erection of a 3 and 4 storey building to be used for student accommodation. The development comprises sixteen 1 bed student flats and one 2 bed cluster flat. In terms of the student accommodation proposed, the scheme will deliver the following:

- Ground floor: 5 x 1 bed flats and bike /bin stores
- First floor: 6x 1 bed flats
- Second floor: 5 x 1 bed flats
- Third floor: 1 x 2 bed cluster flat

In total, the scheme will therefore deliver 17 student flats. Each 1 bed flat is equipped with a bed, a bathroom, a sink, a cooker/hob and internal fittings such as desks and cupboards. The 2-bed flat on the third floor is equipped with the same amenities but the bedrooms share a bathroom, the kitchen and the breakout area.

2.2 The scheme will occupy the majority of the site currently used as a car park, maintaining the gap from no. 98 so that access is retained to Pitt Street, and will include the demolition of the buttresses to the side of 108 St Leonards Gate. Access to the building would be from the side elevation onto Pitt Street although in the interest of retaining local character, a mock street entrance onto St Leonards Gate is also proposed. Bin and cycle storage is to be delivered on the ground floor with access from Pitt Street.

2.3 Negotiations with respect to the external finish and the precise materials to be used in the building's external appearance remain ongoing with the applicant and they are likely to be controlled via a planning condition. However, the submitted plans indicate that the building will be finished in natural limestone with standing seam metal used in the construction of the roof and the building's dormers. The use of stone is acceptable in principle subject to the precise nature of the finish and in particular, the coursing, finish and arrangement of the Limestone. The use of a metal roof here however is not acceptable and the requirement for a slate roof (or zinc / lead) as per the Conservation Officer's comments is therefore stipulated in a specific planning condition.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
20/00699/FUL	Relevant demolition (retrospective) of existing workshop and the erection of a 3 and 4 storey building to create student accommodation comprising sixteen 1-bed studios and one 2-bed cluster flat (C3) and a bike/bin store room	Pending
19/01216/LB	Listed building application for removal of the buttresses and stone boundary wall from 108 St Leonards Gate and the erection of a 3 and 4 storey building and excavation to form basement.	Refused
19/01215/FUL	Relevant demolition of existing workshop and the erection of a 3 and 4 storey building to create student accommodation comprising eighteen 1-bed studios and one 2-bed cluster flat (C3) and excavation to form basement to accommodate laundry room, plant room and bike store	Refused
18/01247/PRETWO	Erection of new build student accommodation comprising 33 student rooms distributed in 5 flats with adjacent bin store and cycle parking	Closed
13/01220/FUL	Erection of new build student accommodation comprising 4 cluster flats (C4) and 1 2-bed cluster flat (C3) with associated bin store and re-instatement of	Refused

	stone stack to adjoining property no 108 St Leonard's Gate	
13/01221/LB	Listed building application to construct new student accommodation onto the gable wall of no 108 St Leonard's Gate including the reinstatement of a stone stack to no 108	Refused
13/00787/FUL	Erection of new build student accommodation - 21 rooms with associated bin store and re-instatement of stone stack to adjoining property no 108 St Leonard's Gate	Withdrawn
13/00788/LB	Listed building consent to construct new student accommodation onto the gable wall of no 108 St Leonard's Gate including the reinstatement of a stone stack to no 108	Withdrawn

4.0 Consultation Responses

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

Consultee	Response
LPA Conservation Officer	Latest comments dated 12 November 2021 confirms no formal objection to the proposal but recommendations made to improve the materials and Pitt Street elevation
Lancaster Civic Society	Objection to the proposal on the basis of inappropriate design and harm to the historic environment
County Archaeology	No objection subject to standard condition being imposed on associated FUL planning application
Ancient Monuments Society	Objection to the proposal on the basis of inappropriate design and harm to the historic environment
Georgian Group	Objection on the basis that design is inappropriate

4.2 No comments from members of the public have been provided in response to this application but County Councillor Collinge has raised an objection to the scheme on the basis that the scheme is not of a suitable design.

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Legal context
- Preservation of the adjoining Grade II Listed Georgian Terraces

5.2 Legal Context

5.2.1 Planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan (hereafter 'Local Plan') for Lancaster District includes the Strategic Policies and Land Allocations Development Management Documents (SPLA DPD), a reviewed Development Management (DM) DPD, the Morecambe Area Action Plan DPD and the Arnside and Silverdale AONB DPD.

5.2.2 In addition to the above, when making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.

5.2.3 This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, applies to all decisions concerning listed buildings.

- 5.2.4 The above provision with respect to Listed Buildings has been factored into the determination of this planning application and the requirements have been duly considered by Officers in making this recommendation to Members.
- 5.3 **Preservation of the adjoining Grade II Listed Georgian Terraces.** Strategic Policies and Land Allocations DPD SP7 protecting Lancaster's unique heritage, Development Management DPD DM29: Key design principles, Development affecting Listed Buildings, DM39: The Setting of Designated Heritage Assets. National Planning Policy Framework sections 12 and 16.
- 5.3.1 Paragraph 5.2.2 sets out the LPA's statutory obligation to consider the preservation and protection of listed buildings as per S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requirement is further reflected within the chapter 16 of the NPPF. Specifically, paragraph 199 of the Framework advises that 'great weight' should be given to the conservation of designated heritage assets and the paragraphs which follow 199 set out how the presumption in favour of protecting and preserving such assets is to be applied. Ultimately, the exercise still requires a degree of planning judgement but it must be informed by the need to give special weight to the desirability to preserve the heritage asset. The presumption is thus to avoid harm and where harm is to be inflicted, adequate justification and public benefit from be demonstrated.
- 5.3.2 This application seeks listed building consent to remove the existing exposed buttresses to the flank wall of 108 St Leonard's Gate which is a grade II listed building. It also seeks consent to remove the partially complete stone boundary wall which adjoins 108 and for the construction of the proposed accommodation building reported under 20/00699/FUL.
- 5.3.4 The application site on St Leonard's Gate forms the 'end' of a terrace of fine Georgian townhouses dating from the late 18C. The existing buildings are finished in stone ashlar with the formal architectural character and proportions of windows, doors and string courses typically associated with classical buildings of this period. The adjoining houses in the terrace are in similar style and finish, giving the terrace as a whole a cohesive appearance. All are grade II listed and, together with the grade II Centenary Church to the west, they are a prominent and attractive group of historic buildings and form an important element of townscape within the Lancaster Conservation Area. There are a number of other listed buildings nearby which would also be affected by the proposals. To the rear the character is more varied, well enclosed by a number of ancillary or secondary buildings of traditional character of more intimate, domestic scale.
- 5.3.5 The principle of developing the site has long been accepted and would remove an unattractive gap site within the street frontage. The previous building was demolished in the late 1960s, with a fragment of the west gable remaining on the site, which forms part of the gable wall of the listed building. In order to do this, the existing buttresses and stone boundary wall must be removed from 108 St Leonard's Gate so that the new building can be constructed as per the submitted plans. The proposed building will also need to adjoin to 108 St Leonard's Gate and this is a further reason that Listed Building Consent is sought.
- 5.3.6 Currently the application site is a poorly maintained hard surface carpark which undermines the setting and significance of the Listed Building. By removing the existing buttresses and developing the site, the setting of the Listed Building will ultimately be improved (compared with the current context) through the introduction of new building which harmonises with the locality's prevailing Georgian and Victorian character.
- 5.3.7 Given that the buttresses must be removed, and the new building will be placed within the immediate setting of the Listed Building, it must be noted that a degree of less than substantial harm will arise. Historic fabric will be removed and the way in which the Listed Building is appreciated will ultimately be impacted by introducing a similarly scaled building into its context. It is noted that comments from local Historic Groups suggest that this will result in unacceptable harm and that the proposal will compete with the Listed Building. However, given that LPA's Conservation Officer has not raised an objection or cited substantial harm to the Listed Building, an overarching reason for refusal is not judged to arise.
- 5.3.8 Pursuant to Paragraph 202, where less than substantial harm is judged to arise, the benefits of the scheme must be weighed against the public benefits. This planning judgement is explored in the report for 20/00699/FUL but it is repeated here for clarity. The site is currently a visual blight on the

Conservation Area and the Listed Building in question. By developing it in the way proposed, the setting of both heritage assets can be improved when compared to the current poor situation. This may still result in some minor harm occurring but on balance, given the improvement that be secured to appearance of the Listed Building (and the Conservation Area) this minor level of harm is considered to be justified.

- 5.3.9 It is noted that the LPA's Conservation Officer has raised concerns with respect to the proposed materials to be used in the external construction of the building. This is an important point given that the external design of the building will impact on the Listed Building. For this reason, agreement to all materials and external finishes are to be controlled via a planning condition. Similarly, given that parts of the Listed Building need to be removed to facilitate the development, a condition requiring the submission of method statement will be imposed to ensure that the proposed removal (and methods proposed) are suitable for the Listed Building.
- 5.3.10 In addition to the concerns raised by the LPA's Conservation Officer with respect to design, objections from consultees such as the Ancient Monuments Society, the Georgian Group and the Lancaster Civic Society have also been submitted. The comments from these consultees are similar and they all raise concern with respect to how the building will 'fit' in with the prevailing historic environment owing to its scale, external appearance and the use of dormer windows. As clarified above, external materials and fittings can be adequately controlled via a planning condition and Officers are comfortable with this approach. Ultimately, the degree of harm inflicted upon the adjacent Listed Building is considered to be less than substantial (as clarified above) and whilst the introduction of a new building which adjoins onto 108 will, quite naturally be noticed, it does not give to substantial harm within the context of paragraph 201 of the NPPF.
- 5.3.11 On balance, given the comments from the aforementioned local Historic Groups and the LPA's Conservation Officer, it is considered that there will be a small degree of less than substantial harm inflicted upon 108 St Leonard's Gate. However, this is outweighed by the public benefits associated with re-developing this visually unattractive brownfield site which will not only preserve the setting of the Conservation Area but will also moderately improve the setting of the Listed Building in question. Accordingly, the development is deemed to comply with Policy SP7 of the SPLA DPD, policies DM37 and DM39 of the DM DPD and the advice contained within chapter 16 of the NPPF.

6.0 Conclusion and Planning Balance

- 6.1 The Local Planning Authority is supportive of this application to develop a site which has undermined the significance and setting of the locality's designated assets for a number of years. In busy, densely populated locations developing next to historic buildings and those which are listed can pose significant challenges. It is often therefore necessary to adopt a pragmatic approach which may mean that a degree of less than substantial harm is to be inflicted if a site's potential is to be realised. This application poses an opportunity to demonstrably improve the way that the existing Listed Building interacts with the public realm through the removal of an unsightly black top carpark with a well-designed building which harmonises and reflects the historic character of the area.
- 6.2 Officers accept that the design may not be *ideal* and the objections from numerous historic groups articulate a certain degree of frustration at the inclusion of modern features. However, it must be recognised that historic and contemporary design can co-exist and the current proposal is an example of this harmony. Critical details such as the finishing, stone and roofing materials will be controlled via planning condition and therefore, whilst a degree of less than substantial harm is likely, there remains a suitable degree of control to minimise this within the context of policies SP7, DM37 and DM38.
- 6.3 Furthermore, the creation of an end terrace has the ability to preserve the Listed Building from the natural elements. This will prevent further premature deterioration and this allows the development to ensure that the long term survival chances of the adjoining Listed Building are maximised also.

Recommendation

That Listed Building Consent **BE GRANTED** subject to the following conditions:

Condition no.	Description	Type
1	Time limit	Standard
2	Compliance with approved plans	Standard
3	Method statement and details for removal of buttresses and stone wall of 108 St Leonards Gate, making good removal works and construction details	Pre-commencement
4	Agreement of materials – excluding roof	Above ground
5	Agreement of materials – roof only	Above ground

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, Lancaster City Council 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 made 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